

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARK VEASEY, JANE)	CIVIL ACTION
HAMILTON, SERGIO DELEON,)	
FLOYD J. CARRIER, ANNA)	NO. 2:13-CV-193 (NGR)
BURNS, MICHAEL MONTEZ,)	[Lead case]
PENNY POPE, OSCAR ORTIZ, KOBY)	
OZIAS, JOHN MELLOR-CRUMLEY,)	
PEGGY HERMAN, EVELYN)	
BRICKNER, GORDON BENJAMIN,)	
KEN GANDY, LEAGUE OF UNITED)	
LATIN AMERICAN CITIZENS)	
(LULAC), AND DALLAS COUNTY,)	
TEXAS,)	
)	
Plaintiffs,)	
)	
V.)	
)	
RICK PERRY, GOVERNOR OF TEXAS)	
AND JOHN STEEN, TEXAS)	
SECRETARY OF STATE,)	
)	
Defendants.)	

<p style="text-align: right;">2</p> <p>1 UNITED STATES OF AMERICA,) 2) CIVIL ACTION 3 Plaintiffs,) 4) NO. 2:13-CV-263 (NGR) 5 TEXAS LEAGUE OF YOUNG VOTERS) [Consolidated case] 6 EDUCATION FUND, IMANI CLARK,) 7 AND MICHELLE BESSIAKE,) 8) 9 Plaintiff-Intervenors,) 10) 11 TEXAS ASSOCIATION OF HISPANIC) 12 COUNTY JUDGES AND COUNTY) 13 COMMISSIONERS, HIDALGO) 14 COUNTY, AND MARIA LONGORIA) 15 BENAVIDES,) 16) 17 Plaintiff-Intervenors,) 18) 19 V.) 20) 21) 22 STATE OF TEXAS, JOHN STEEN,) 23 in his official capacity as) 24 Texas Secretary of State; and) 25 STEVE McCRAW, in his official) capacity as Director of the) Texas Department of Public) Safety,) Defendants.)</p>	<p style="text-align: right;">4</p> <p>1 ***** 2 ORAL REALTIME DEPOSITION OF 3 THE MALC 30(B)(6) WITNESS 4 MARTIN GOLANDO 5 JUNE 24, 2014 6 ***** 7 ORAL REALTIME DEPOSITION OF MARTIN GOLANDO, 8 produced as a witness at the instance of the DEFENDANTS, 9 and duly sworn, was taken in the above-styled and 10 numbered cause on the 24th day of June, 2014, from 11 9:34 a.m. to 2:09 p.m., before STEVEN STOGEL, CSR in and 12 for the State of Texas, reported by machine shorthand, 13 at the Offices of the Texas Attorney General, 209 West 14 14th Street, Austin, Texas, pursuant to the Federal 15 Rules of Civil Procedure and the provisions stated on 16 the record or attached hereto. 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">3</p> <p>1 TEXAS STATE CONFERENCE OF) 2 NAACP BRANCHES; and the) CIVIL ACTION 3 MEXICAN AMERICAN LEGISLATIVE) 4 CAUCUS OF THE TEXAS HOUSE OF) NO. 2:13-CV-291 (NGR) 5 REPRESENTATIVES,) [Consolidated case] 6) 7 Plaintiffs,) 8) 9 V.) 10) 11 JOHN STEEN, in his official) 12 capacity as Secretary of) 13 State of Texas; and STEVE) 14 McCRAW, in his official) 15 capacity as Director of the) 16 Texas Department of Public) 17 Safety,) 18) 19 Defendants.) 20) 21 BELINDA ORTIZ, LENARD TAYLOR,) CIVIL ACTION 22 EULALIO MENDEZ JR., LIONEL) 23 ESTRADA; ESTELA GARCIA) NO. 2:13-CV-348 (NGR) 24 ESPINOSA, LYDIA LARA,) [Consolidated case] 25 MARGARITO MARTINEZ LARA,) MAXIMINA MARTINEZ LARA, AND) LA UNION DEL PUEBLO ENTERO,) INC.,) Plaintiffs,) V.) STATE OF TEXAS; JOHN STEEN,) in his official capacity as) Texas Secretary of State; and) STEVE McCRAW, in his official) capacity as Director of the) Texas Department of Public) Safety,) Defendants.)</p>	<p style="text-align: right;">5</p> <p>1 A P P E A R A N C E S 2 FOR THE PLAINTIFF TEXAS STATE CONFERENCE OF NAACP 3 BRANCHES: 4 MS. AMY L. RUDD 5 DECHERT LLP 6 US Bank Tower 7 633 West 5th Street, 37th Floor 8 Los Angeles, California 90071-2013 9 213.808.5700 10 amy.rudd@dechert.com 11 12 FOR THE PLAINTIFF UNITED STATES OF AMERICA: 13 MS. ANGELA J. MILLER 14 (Appearing via speaker phone) 15 Trial Attorney 16 Voting Section 17 Civil Rights Division 18 U.S. Department of Justice 19 202.514.2919 20 angela.miller5@usdoj.gov 21 22 FOR THE DEFENDANTS THE STATE OF TEXAS, RICK PERRY, JOHN 23 STEEN AND STEVEN McCRAW: 24 MR. STEPHEN L. TATUM, JR. 25 - and - MR. G. DAVID WHITLEY Assistant Attorney General Opinion Committee P.O. Box 12548 Austin, Texas 78711-2548 512.463.2110 stephen.tatum@texasattorneygeneral.gov david.whitley@texasattorneygeneral.gov ALSO PRESENT: Mr. Steven Stogel, Court Reporter</p>

<p style="text-align: right;">6</p> <p style="text-align: center;">I N D E X</p> <p style="text-align: right;">PAGE</p> <p>Appearances..... 5</p> <p>MARTIN GOLANDO</p> <p>Examination by Mr. Tatum..... 8</p> <p>Reporter's Certificate..... 168</p>	<p style="text-align: right;">8</p> <p>MR. TATUM: Good morning. My name is Stephen Tatum. I'm an Assistant Attorney General representing the State of Texas in this litigation. It is June 24th. The time is 9:30, and we are here at the Price Daniel building, the Attorney General's offices in Austin, Texas.</p> <p>MARTIN A. GOLANDO,</p> <p>having been first duly sworn, testified as follows:</p> <p style="text-align: center;">EXAMINATION</p> <p>BY MR. TATUM:</p> <p>Q. Would you state and spell your full name for the record, please?</p> <p>A. Martin Anthony Golando, M-A-R-T-I-N, Anthony, A-N-T-H-O-N-Y, Golando, G-O-L-A-N-D-O.</p> <p>Q. Mr. Golando, where do you reside?</p> <p>A. San Antonio, Texas.</p> <p>Q. Are you represented by counsel today?</p> <p>A. I am.</p> <p>Q. And who is that?</p> <p>A. Ms. Rudd.</p> <p>MR. TATUM: And while we're there, let's go ahead and make introductions. I don't think we've done that on the record yet. I've said who I am. Mr. Golando, you've introduced yourself.</p> <p>MS. RUDD: Amy Rudd for the Texas State</p>
<p style="text-align: right;">7</p> <p style="text-align: center;">EXHIBIT INDEX</p> <p style="text-align: right;">PAGE</p> <p>Exhibit No. 1..... 19</p> <p>Notice of Deposition</p> <p>Exhibit No. 2..... 61</p> <p>Preliminary Statement Filed by the Texas State Conference of NAACP Branches and the Mexican American Legislative Caucus</p> <p>Exhibit No. 3..... 119</p> <p>February 2011 Poll</p> <p>Exhibit No. 4..... 120</p> <p>February 2011 Poll</p> <p>Exhibit No. 5..... 121</p> <p>February 2011 Poll</p> <p>Exhibit No. 6..... 124</p> <p>October 2012 Poll</p> <p>Exhibit No. 7..... 141</p> <p>12/5/13 Public Records Request</p> <p>Exhibit No. 8..... 143</p> <p>List of Names</p>	<p style="text-align: right;">9</p> <p>Conference of the NAACP and MALC and the witness today.</p> <p>MS. MILLER: And I'm Angela Miller for the U.S. Department of Justice on the phone.</p> <p>MR. WHITLEY: And I'm David Whitley for the defendants. I can give you a card.</p> <p>Q. (By Mr. Tatum) Mr. Golando, have you ever been deposed before?</p> <p>A. No, sir.</p> <p>Q. So this is your first time being the subject of a deposition?</p> <p>A. Being the subject, that's correct.</p> <p>Q. Okay. Let me first go over some ground rules that will control for this deposition. I'm going to be asking you questions, and I need you to give me audible answers. This means you need to say "yes" instead of nodding your head, and you need to say "no" instead of shaking your head. And try to avoid saying "uh-huh" or "hmm hmm," things like that. We need to have audible answers so the court reporter can get a clean record of what's said here today. Do you understand?</p> <p>A. I do.</p> <p>Q. And on that note, I ask that you please wait until I finish asking my question before you begin to answer, and I'll try to do the same for you. This is easier said than done. I just ask that we try to let</p>

<p style="text-align: right;">10</p> <p>1 each other talk, again so that we get a clean record of 2 what's said here today. Do you understand? 3 A. Yes, sir. 4 Q. Okay. If you don't understand a question that 5 I ask or you need me to repeat it or clarify it in any 6 way, please say so. I'm happy to do so. Anything I can 7 do to make you understand what I'm asking you. Do you 8 understand? 9 A. Yes, sir. 10 Q. Okay. There may be times when your attorney 11 may object to a question that I ask, in which case 12 you're still required to answer the question unless your 13 attorney specifically instructs you not to. Do you 14 understand? 15 A. Yes. 16 Q. Do you understand that you are under oath, 17 which means you must tell the truth, and you're subject 18 to the penalty of perjury if you do not? 19 A. Yes. 20 Q. Mr. Golando, how are you feeling today? 21 A. I'm fine. Thank you for asking. 22 Q. Are you suffering from any illnesses that 23 would prevent you from answering my questions truthfully 24 and accurately? 25 A. No, sir.</p>	<p style="text-align: right;">12</p> <p>1 person, yeah. 2 Q. Okay. Was anyone else present at that 3 meeting? 4 A. No, sir. 5 Q. So it was just you and the two lawyers? 6 A. Correct. 7 Q. Okay. Did you review any documents in 8 preparation for this deposition? 9 A. Yes. I read the complaint again, and I read a 10 Brennan Center exhibit that I think was attached to the 11 complaint, and I read Mr. Yannis Banks' deposition -- or 12 most of it. I didn't read the entire thing. I read 13 about three-quarters of it. 14 Q. How much time did you spend reviewing those 15 documents? 16 A. I got home last night about 8:30, and I spent 17 the balance of the evening until about 11:00 reviewing 18 those documents. 19 Q. So more or less three hours reviewing those 20 documents? 21 A. Oh, it would have been about midnight. So 22 about three and a half -- or two and a half, I guess, 23 whatever that is. 24 Q. Did you bring any documents with you today? 25 A. No, sir, I did not.</p>
<p style="text-align: right;">11</p> <p>1 Q. Are you taking any medications today that 2 might prevent you from answering my questions truthfully 3 and accurately? 4 A. No, sir. 5 Q. Is there anything else that might prevent you 6 from answering my questions truthfully and accurately? 7 A. No, sir. 8 Q. What did you do to prepare for this deposition 9 today? 10 A. I met with counsel, and I reviewed some 11 documents. 12 Q. When you say "counsel," is that Ms. Rudd? 13 A. That's correct, and Ms. Cohan, I guess is her 14 name. She used to be Ms. Stelcen, but now she's 15 Ms. Cohan. 16 Q. Is that Lindsey Cohan? 17 A. That's correct. 18 Q. And when did you meet with them? 19 A. Yesterday about 2:30, I believe. 20 Q. And for how long did y'all meet? 21 A. It was about an hour and ten minutes, I 22 believe. 23 Q. Was that the only time y'all met in 24 preparation for this deposition? 25 A. I think that's right. That's right. Met in</p>	<p style="text-align: right;">13</p> <p>1 Q. Is there anything else you did to prepare for 2 this deposition that you did not already mention? 3 A. I dreamt about the deposition a couple of 4 times. I'm not sure you can count that. But, yeah, I 5 guess that's preparation. Other than that, I can't 6 think of anything right offhand. 7 Q. All right. Mr. Golando, I want to ask you a 8 few questions regarding your background. 9 A. Okay. 10 Q. Can you state the date and place of your 11 birth? 12 A. I was born November 11th, 1977, and I was born 13 in Kirksville, Missouri, in Adair County, Missouri. 14 Q. Can you describe your educational background? 15 A. I went to Chesterton High School in 16 Chesterton, Indiana, class of '96, and I briefly went to 17 the University of Chicago before I was kicked out. I 18 tooled around Chicago a bit, and then I ended up at 19 UTSA. Graduated at UTSA in 2003, and then I went to UT 20 Law and graduated in 2007. 21 Q. So you were born in Tennessee, went -- 22 A. No, no. Missouri. 23 Q. I'm sorry. 24 A. I apologize. I didn't mean to interrupt you. 25 I apologize.</p>

<p style="text-align: right;">14</p> <p>1 Q. You were born in Missouri?</p> <p>2 A. Correct.</p> <p>3 Q. Had some schooling in Indiana, made your way</p> <p>4 to Chicago, and eventually Texas. Is that correct?</p> <p>5 A. There's lots of -- there's many more states in</p> <p>6 between there, but, yes, that's generally correct.</p> <p>7 Q. Okay.</p> <p>8 A. Yeah.</p> <p>9 Q. And what year did you graduate from law</p> <p>10 school?</p> <p>11 A. 2007.</p> <p>12 Q. Aside from a law degree, do you have any other</p> <p>13 professional qualifications?</p> <p>14 A. By which you mean certifications?</p> <p>15 Q. Sure.</p> <p>16 A. No.</p> <p>17 Q. Are you currently licensed to practice law?</p> <p>18 A. Currently, and in good standing.</p> <p>19 Q. In the state of Texas?</p> <p>20 A. Correct.</p> <p>21 Q. In what areas of practice do you have</p> <p>22 experience?</p> <p>23 A. I'm an election law attorney, largely. I've</p> <p>24 done several election contests, and I represent elected</p> <p>25 officials in helping them comply with their ethical</p>	<p style="text-align: right;">16</p> <p>1 A. Since May 1st.</p> <p>2 Q. Of this year?</p> <p>3 A. Correct.</p> <p>4 Q. Did you have any role at MALC before you</p> <p>5 became general counsel?</p> <p>6 A. Yes. It was basically the same job without</p> <p>7 the title. I weighed in on the legal consequences of</p> <p>8 actions. I weighed in on the day-to-day operations. I</p> <p>9 worked very closely with the executive director. It's</p> <p>10 essentially the same job with the title, so...</p> <p>11 Q. Is your current role as general counsel -- is</p> <p>12 that a paid position?</p> <p>13 A. Yes.</p> <p>14 Q. Is that a full-time position?</p> <p>15 A. By full time, do you mean do I get a W-2 from</p> <p>16 MALC? I never have got a W-2 from MALC. I get a --</p> <p>17 they 1099 me, or whatever. I'm a vendor, essentially.</p> <p>18 Q. So prior to becoming general counsel, you were</p> <p>19 employed in a general counsel-type role at MALC. It</p> <p>20 just wasn't called general counsel. Correct?</p> <p>21 A. Right. I think it's listed in the C&E as a</p> <p>22 consulting, but it's -- I do the same general things I</p> <p>23 did before.</p> <p>24 Q. Okay. As general counsel, what are your</p> <p>25 official duties and responsibilities?</p>
<p style="text-align: right;">15</p> <p>1 compliance rules. I'm a voting rights attorney. I have</p> <p>2 some background in voting rights. Anything I can get</p> <p>3 paid for, frankly. So if you need something, let me</p> <p>4 know.</p> <p>5 Q. Mr. Golando, are you currently employed?</p> <p>6 A. I'm self-employed.</p> <p>7 Q. Does that mean you have a solo practice?</p> <p>8 A. I do. I have a couple of different business</p> <p>9 enterprises. One is a solo practice.</p> <p>10 Q. Do you office here in Austin?</p> <p>11 A. No, not currently. I will soon, hopefully,</p> <p>12 but mostly in San Antonio.</p> <p>13 Q. Mr. Golando, what is your role at MALC? And</p> <p>14 before you answer that question, let me just go ahead</p> <p>15 and say here, when I say "MALC," I mean the Mexican</p> <p>16 American Legislative Caucus. And throughout this</p> <p>17 deposition, I might say "MALC" or "you" or "your," and</p> <p>18 when I say that, I mean MALC unless I specifically</p> <p>19 indicate otherwise. Do you understand?</p> <p>20 A. I do.</p> <p>21 Q. Okay. So getting back to my question, what is</p> <p>22 your role at MALC?</p> <p>23 A. I am the general counsel of MALC. That's my</p> <p>24 title.</p> <p>25 Q. And how long have you held that position?</p>	<p style="text-align: right;">17</p> <p>1 A. I make sure that we comply with all ethical</p> <p>2 laws that caucuses have to do for reporting. I weigh in</p> <p>3 on the legal consequences of certain actions we might</p> <p>4 take. I'm a strategic and tactical thinker for MALC on</p> <p>5 our policy positions. I do policy development. I weigh</p> <p>6 in on employment practices and how to train employees,</p> <p>7 and I do -- and I work very closely with the Executive</p> <p>8 Director to try to make sure we accomplish our</p> <p>9 objectives.</p> <p>10 Q. And who is the Executive Director?</p> <p>11 A. Summer Luciano.</p> <p>12 Q. So would you say that you wear -- in a legal</p> <p>13 capacity, you wear many different hats at MALC?</p> <p>14 A. Surely. I think that's fair.</p> <p>15 Q. Who do you report to?</p> <p>16 A. The chairman, Martinez Fischer.</p> <p>17 Q. Do you manage anyone?</p> <p>18 A. I used to manage people as his chief of staff,</p> <p>19 but I stopped being his chief of staff on May 1st, and</p> <p>20 now I basically -- I don't think I'm directly managing</p> <p>21 anybody currently, so...</p> <p>22 Q. So you were formerly the chief of staff for</p> <p>23 Representative Trey Martinez Fischer. Correct?</p> <p>24 A. That is correct.</p> <p>25 Q. And how long did you hold that position?</p>

18

1 A. That position? I think I -- I got that
 2 position in August or September of 2008. I think that's
 3 correct. And so I held it until May 1st of this year.
 4 So six years, five and a half years, five and
 5 three-quarters, something like that.
 6 Q. So you are no longer his chief of staff?
 7 A. No, I'm not. It's strange, frankly, but --
 8 Q. What were your official duties and
 9 responsibilities as chief of staff for Representative
 10 Martinez Fischer?
 11 A. In short, I was responsible for everything
 12 that the office did.
 13 Q. Outside of a legal capacity, is there any
 14 other -- do you have any other involvement -- let me
 15 restate the question.
 16 Do you have any other involvement with
 17 MALC outside of a legal capacity?
 18 A. I'm not sure I understand your question.
 19 Could you give me an example of what you mean, and maybe
 20 I can --
 21 Q. Sure. Do you -- are you involved in any kind
 22 of budgetary matters at MALC?
 23 A. Sure.
 24 Q. Are you involved in programming or activities
 25 that MALC conducts?

19

1 A. Surely.
 2 Q. Are you involved in PR at MALC?
 3 A. Yes, generally; although, it's certainly not
 4 my strong suit. You wouldn't want me to do that for
 5 you, trust me.
 6 Q. Have you been providing legal representation
 7 to MALC during this litigation?
 8 A. Yes.
 9 Q. And what has that legal representation
 10 entailed generally?
 11 A. Generally, advice on the scope of the law and
 12 how it might impact MALC members and the MALC staff.
 13 Q. Have you assisted with drafting pleadings or
 14 motions?
 15 A. No, not really. Not for this litigation.
 16 (Exhibit No. 1 marked)
 17 Q. (By Mr. Tatum) Mr. Golando, I'm handing you
 18 what's been marked as Exhibit 1. If you would, please
 19 take a minute to review this document. Are you
 20 finished?
 21 A. (Witness nods head).
 22 Q. Having reviewed this document, Mr. Golando, do
 23 you recognize what this document is?
 24 A. Yes. This is the notice of deposition for the
 25 MALC representative.

20

1 Q. Did you review this document in preparation
 2 for this deposition today?
 3 A. Yes, I think I remember seeing it.
 4 Q. Is it your understanding that you've been
 5 designated by MALC to testify and give truthful and
 6 binding answers on its behalf today?
 7 A. Yes.
 8 Q. Okay. Now, with that document, if you would,
 9 please, turn to Page 5. Are you there?
 10 A. Yes, sir.
 11 Q. Okay. Under the heading at the bottom of the
 12 page there titled "Matters," there is a series of
 13 numbered paragraphs from 1 to 26. Do you see those
 14 numbered paragraphs?
 15 A. Yes, sir.
 16 Q. Okay. Now, if we can, quickly I'd like to go
 17 through some of these and ask you some very brief
 18 questions about them.
 19 Topic 1 says, "The factual basis of your
 20 claims or defenses in this lawsuit, including any
 21 contention that SB 14, as enacted by the State of Texas'
 22 82nd Legislature, was (1) enacted with a discriminatory
 23 purpose and intent, and (2) results in denying and
 24 abridging the right to vote on account of race and
 25 language minority status."

21

1 Have you been designated to testify to
 2 Topic 1 today?
 3 A. Yes.
 4 Q. And have you prepared to testify on Topic 1?
 5 A. Yes.
 6 Q. Topic 2 says, "Any interest you have in the
 7 above-captioned litigation that is not adequately
 8 represented by the Plaintiff United States of America."
 9 Have you been designated to testify to
 10 Topic 2?
 11 A. Yes.
 12 Q. And have you prepared to testify to Topic 2?
 13 A. Yes.
 14 Q. Topic 3 says, "The identity of your members on
 15 September 17th, 2013."
 16 Have you been designated to testify to
 17 Topic 3 today?
 18 A. Yes.
 19 Q. And are you prepared to testify to Topic 3?
 20 A. Yes.
 21 Q. Topic 4 says, "The identity of your members at
 22 present."
 23 Have you been designated to testify to
 24 Topic 4?
 25 A. Yes.

<p style="text-align: right;">22</p> <p>1 Q. And are you prepared to testify to Topic 4?</p> <p>2 A. Yes.</p> <p>3 Q. Topic 5 says, "Your activities related to</p> <p>4 voter identification legislation proposed or enacted in</p> <p>5 Texas since 2004."</p> <p>6 Have you been designated to testify to</p> <p>7 Topic 5?</p> <p>8 A. Yes.</p> <p>9 Q. Are you prepared to testify to Topic 5?</p> <p>10 A. Yes.</p> <p>11 Q. Topic 6 says, "All bills and amendments</p> <p>12 drafted, researched, proposed or requested by you</p> <p>13 regarding SB 14."</p> <p>14 Let me just stop here and say: When I</p> <p>15 say "SB 14," I mean Senate Bill 14 that was enacted</p> <p>16 during the 2011 Legislature. Do you understand?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Have you been designated to testify to</p> <p>19 Topic 6?</p> <p>20 A. Yes.</p> <p>21 Q. Are you prepared to testify to Topic 6?</p> <p>22 A. Yes.</p> <p>23 Q. Topic 7 says, "All communications to or from</p> <p>24 constituents of your members in your possession,</p> <p>25 custody, or control regarding SB 14."</p>	<p style="text-align: right;">24</p> <p>1 Q. (By Mr. Tatum) Mr. Golando, Topic 9 says,</p> <p>2 "Any policymaking or advocacy-related work performed by</p> <p>3 you or on your behalf regarding voter identification</p> <p>4 since 2004."</p> <p>5 Have you been designated to testify to</p> <p>6 Topic 9?</p> <p>7 A. Yes.</p> <p>8 Q. Are you prepared to testify to Topic 9?</p> <p>9 A. Yes.</p> <p>10 Q. Topic 10 says, "Your activities relating to</p> <p>11 voter registration since 2004."</p> <p>12 Have you been designated to testify to</p> <p>13 Topic 10?</p> <p>14 A. Yes.</p> <p>15 Q. Are you prepared to testify on Topic 10?</p> <p>16 A. Yes.</p> <p>17 Q. Topic 11 says, "Your activities relating to</p> <p>18 voter education since 2004."</p> <p>19 Have you been designated to testify to</p> <p>20 Topic 11?</p> <p>21 A. Yes.</p> <p>22 Q. Are you prepared to testify to Topic 11?</p> <p>23 A. Yes.</p> <p>24 Q. Topic 12 says, "Your activities relating to</p> <p>25 assisting voters during elections since 2004."</p>
<p style="text-align: right;">23</p> <p>1 Have you been designated to testify to</p> <p>2 Topic 7?</p> <p>3 A. Yes.</p> <p>4 Q. And are you prepared to testify to Topic 7?</p> <p>5 A. Yes.</p> <p>6 Q. Topic 8 says, "Your activities relating to</p> <p>7 voter identification legislation proposed or enacted by</p> <p>8 any other United States state that is not Texas, any</p> <p>9 United States territory or outlying possession, or the</p> <p>10 District of Columbia since 2004."</p> <p>11 Have you been designated to testify to</p> <p>12 Topic 8?</p> <p>13 A. Yes.</p> <p>14 Q. Are you prepared to testify to Topic 8?</p> <p>15 A. To the best of my ability.</p> <p>16 MS. RUDD: This may be a good time for me</p> <p>17 to just interpose an objection. You know, we've lodged</p> <p>18 written objections to all of these topics and -- or many</p> <p>19 of these topics, and to the extent that we've objected</p> <p>20 on the grounds of relevance, we haven't gone out of our</p> <p>21 way to prepare Mr. Golando to testify on those topics.</p> <p>22 He does know something about Topic 8 and will testify to</p> <p>23 the best of his ability, as with all of the topics that</p> <p>24 we've lodged objections to.</p> <p>25 MR. TATUM: Okay. Thank you.</p>	<p style="text-align: right;">25</p> <p>1 Have you been designated to testify to</p> <p>2 Topic 12?</p> <p>3 A. Yes.</p> <p>4 Q. Are you prepared to testify to Topic 12?</p> <p>5 A. Yes.</p> <p>6 Q. Topics 13 says, "Any activities by you or on</p> <p>7 your behalf regarding SB 14."</p> <p>8 Have you been designated to testify to</p> <p>9 Topic 13?</p> <p>10 A. Yes. And we agree that this is inclusive of</p> <p>11 everything you just said, I imagine. Right? Matter 13</p> <p>12 is inclusive of everything previous, every other matter</p> <p>13 before that. But, yes, I've been designated.</p> <p>14 Q. I'm just talking about the language in</p> <p>15 Topic 13.</p> <p>16 A. That's fair.</p> <p>17 Q. Okay. Are you prepared to testify regarding</p> <p>18 Topic 13?</p> <p>19 A. Certainly.</p> <p>20 Q. Topic 14 says, "All written testimony, talking</p> <p>21 points, or public statements made by you regarding</p> <p>22 SB 14."</p> <p>23 Have you been designated to testify to</p> <p>24 Topic 14?</p> <p>25 A. Yes, sir.</p>

<p style="text-align: right;">26</p> <p>1 Q. And are you prepared to testify to Topic 14?</p> <p>2 A. Yes.</p> <p>3 Q. Topic 15 says, "Any calculations, reports,</p> <p>4 audits, estimates, projections, or other analyses</p> <p>5 related to the effect of SB 14 on minority voters or on</p> <p>6 voters who are members of a language minority group from</p> <p>7 2005 to the present."</p> <p>8 Have you been designated to testify to</p> <p>9 Topic 15?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And are you prepared to testify to Topic 15?</p> <p>12 A. Yes.</p> <p>13 Q. Topic 16 says, "The identity of each</p> <p>14 registered voter known to you on September 17th, 2013,</p> <p>15 who you contend has been unable to vote on account of</p> <p>16 his or her inability to obtain photographic</p> <p>17 identification specified by SB 14 as enacted by the</p> <p>18 State of Texas' 82nd Legislature."</p> <p>19 Have you been designated to testify to</p> <p>20 Topic 16?</p> <p>21 A. Yes.</p> <p>22 Q. Are you prepared to testify to Topic 16?</p> <p>23 A. Yes.</p> <p>24 Q. Only 10 more. Topic 17 says, "The identity of</p> <p>25 each registered voter known to you at present, who you</p>	<p style="text-align: right;">28</p> <p>1 identification specified by SB 14 as enacted by the</p> <p>2 State of Texas' 82nd Legislature to obtain such a form</p> <p>3 of photographic identification."</p> <p>4 Have you been designated to testify to</p> <p>5 Topic 19?</p> <p>6 A. Yes.</p> <p>7 Q. Are you prepared to testify on Topic 19?</p> <p>8 A. Yes.</p> <p>9 MR. TATUM: With regard to Topic 20, I</p> <p>10 believe y'all have objected to this topic on grounds</p> <p>11 that -- stating that MALC does not maintain lists by</p> <p>12 name or by number of its members who have participated</p> <p>13 in elections and cannot produce a witness to testify to</p> <p>14 this topic. Is that correct?</p> <p>15 MS. RUDD: That is correct.</p> <p>16 MR. TATUM: Okay.</p> <p>17 MS. RUDD: So that is the only topic in</p> <p>18 this list that we -- we are not prepared to offer</p> <p>19 Mr. Golando up to testify about.</p> <p>20 MR. TATUM: Okay.</p> <p>21 Q. (By Mr. Tatum) Topic 21 states, "The</p> <p>22 allegation in Paragraph 4(c) of your Federal Complaint</p> <p>23 that SB 14 is causing and will continue to cause MALC to</p> <p>24 divert a portion of its financial and other</p> <p>25 organizational resources to educate Texas citizens about</p>
<p style="text-align: right;">27</p> <p>1 contend has been unable to vote on account of his or her</p> <p>2 inability to obtain photographic identification</p> <p>3 specified by SB 14 as enacted by the State of Texas'</p> <p>4 82nd Legislature."</p> <p>5 Have you been designated to testify to</p> <p>6 Topic 17?</p> <p>7 A. Yes.</p> <p>8 Q. Are you prepared to testify to Topic 17?</p> <p>9 A. Yes.</p> <p>10 Q. Topic 18 says, "Attempts made from 2011 to the</p> <p>11 present by each registered voter known to you on</p> <p>12 September 17th, 2013, who you contend has been unable to</p> <p>13 vote on account of his or her inability to obtain</p> <p>14 photographic identification specified by SB 14 as</p> <p>15 enacted by the State of Texas' 82nd Legislature to</p> <p>16 obtain such a form of photographic identification."</p> <p>17 Have you been designated to testify to</p> <p>18 Topic 18?</p> <p>19 A. Yes.</p> <p>20 Q. Are you prepared to testify to Topic 18?</p> <p>21 A. Yes.</p> <p>22 Q. Topic 19 says, "Attempt made from 2011 to the</p> <p>23 present by each registered voter known to you at the</p> <p>24 present who you contend has been unable to vote on</p> <p>25 account of his or her inability to obtain photographic</p>	<p style="text-align: right;">29</p> <p>1 the photo ID requirements of SB 14, and assisting voters</p> <p>2 in casting in-person ballots in compliance with SB 14."</p> <p>3 Have you been designated to testify to</p> <p>4 Topic 21?</p> <p>5 A. Yes.</p> <p>6 Q. Are you prepared to testify to Topic 21?</p> <p>7 A. Yes.</p> <p>8 Q. Topic 22 states, "The allegation in</p> <p>9 Paragraph 4(c) of you Federal Complaint that MALC is</p> <p>10 limited and will continue to be limited to devoting</p> <p>11 fewer resources to its other organizational activities."</p> <p>12 Have you been designated to testify to</p> <p>13 Topic 22?</p> <p>14 A. Yes.</p> <p>15 Q. Are you prepared to testify to Topic 22?</p> <p>16 A. Yes.</p> <p>17 Q. Topic 23 states, "Any allegations, whether</p> <p>18 substantiated or unsubstantiated, or concerns relating</p> <p>19 to election crimes raised by your members or their</p> <p>20 constituents or which were communicated to you from 2004</p> <p>21 to the present."</p> <p>22 A. Yes.</p> <p>23 Q. Have you been designated to testify to</p> <p>24 Topic 23?</p> <p>25 A. I apologize. Yes.</p>

<p style="text-align: right;">30</p> <p>1 Q. Are you prepared to testify to Topic 23?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Last page. Topic 24 states, "Any allegations,</p> <p>4 whether substantiated or unsubstantiated or concerns</p> <p>5 relating to voter fraud raised by your members or their</p> <p>6 constituents or which were communicated to you from 2004</p> <p>7 to the present."</p> <p>8 Have you been designated to testify to</p> <p>9 Topic 24?</p> <p>10 A. Yes.</p> <p>11 Q. Are you prepared to testify to Topic 24?</p> <p>12 A. Yes.</p> <p>13 Q. Topic 25 states, "Any calculations, reports,</p> <p>14 audits, estimates, projections, or other analyses done</p> <p>15 by you, commissioned by you, or in your possession,</p> <p>16 custody, or control relating to voter fraud from 2004 to</p> <p>17 the present."</p> <p>18 Have you been designated to testify to</p> <p>19 Topic 25?</p> <p>20 A. Yes.</p> <p>21 Q. Are you prepared to testify to Topic 25?</p> <p>22 A. Yes.</p> <p>23 Q. Finally, Topic 26 states, "Any calculations,</p> <p>24 reports, audits, estimates, projections, or other</p> <p>25 analyses done by you, commissioned by you, or in your</p>	<p style="text-align: right;">32</p> <p>1 beginning it was both the House and Senate, and at some</p> <p>2 point there was a bifurcation between the two, so...</p> <p>3 Q. Does MALC have -- as a result of that</p> <p>4 bifurcation, does it have an equivalent organization in</p> <p>5 the Senate?</p> <p>6 A. Yeah. There's a Hispanic caucus. The chair,</p> <p>7 I think, is Jose Rodriguez.</p> <p>8 Q. Do y'all regularly work with the Senate</p> <p>9 Hispanic caucus?</p> <p>10 A. Define "regularly."</p> <p>11 Q. Are y'all involved organizationally with the</p> <p>12 Senate Hispanic caucus?</p> <p>13 A. Yes. I know Luis very well. Luis Figueroa is</p> <p>14 the liaison, I guess, for the Senate Hispanic caucus,</p> <p>15 and I've worked with him for many years.</p> <p>16 Q. But is MALC a separate entity unto itself from</p> <p>17 the Senate Hispanic caucus?</p> <p>18 A. Absolutely.</p> <p>19 Q. Okay. How is MALC organized?</p> <p>20 A. We are a (c)3 and a (c)6 and a legislative</p> <p>21 caucus.</p> <p>22 Q. Describe what it means to be a legislative</p> <p>23 caucus.</p> <p>24 A. It's organized under the House housekeeping</p> <p>25 resolution. There's a portion dedicated to the creation</p>
<p style="text-align: right;">31</p> <p>1 possession, custody, or control, relating to election</p> <p>2 crimes from 2004 to the present."</p> <p>3 Have you been designated to testify to</p> <p>4 Topic 26?</p> <p>5 A. Yes.</p> <p>6 Q. Are you prepared to testify to Topic 26?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Mr. Golando, I'd like to ask you a few</p> <p>9 questions regarding MALC generally.</p> <p>10 Can you describe the purpose and mission</p> <p>11 of MALC?</p> <p>12 A. The purpose of MALC is to assist the members</p> <p>13 of MALC and their staffs in being prepared to be a voice</p> <p>14 for the Mexican Americans of Texas. That's the purpose.</p> <p>15 It's also listed in their bylaws, so...</p> <p>16 Q. So that's a stated mission that's in your</p> <p>17 bylaws?</p> <p>18 A. Correct.</p> <p>19 Q. How long has MALC been in existence?</p> <p>20 A. Since 1973. So 40 years -- 40-plus years.</p> <p>21 Q. And how was it formed?</p> <p>22 A. It was a caucus. There's rumors about how it</p> <p>23 was formed, in the back of a closet, but just members</p> <p>24 of -- Mexican American members of the Legislature at</p> <p>25 that time formed together a group. And I think at the</p>	<p style="text-align: right;">33</p> <p>1 of legislative caucuses, which are groups of legislators</p> <p>2 for various purposes. So it's organized under that</p> <p>3 statute. And legislative caucuses also have certain</p> <p>4 reporting requirements under the -- the C&E reports for</p> <p>5 the Ethics Commission. I think that covers it, so...</p> <p>6 Q. How was MALC organized internally?</p> <p>7 A. There is an executive committee made up of the</p> <p>8 chair, the vice chair, the legal counsel, the treasurer,</p> <p>9 and the secretary. So it's five legislators who run for</p> <p>10 leadership posts within MALC, and they make most of the</p> <p>11 executive decisions. By "internally," do you also mean</p> <p>12 staff?</p> <p>13 Q. Sure.</p> <p>14 A. There's Executive Director Summer, and general</p> <p>15 counsel, me, and then there are two policy analysts,</p> <p>16 part time and full time, roughly.</p> <p>17 Q. So everyone on the Executive Committee is also</p> <p>18 a legislator?</p> <p>19 A. Correct. MALC is made up of legislators.</p> <p>20 It's a group of legislators.</p> <p>21 Q. Do you work under the legal counsel?</p> <p>22 A. No. I report to their chairman,</p> <p>23 Representative Martinez Fischer.</p> <p>24 Q. Okay. And is the Executive Committee elected</p> <p>25 by the membership of MALC?</p>

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1 A. Correct.
 2 Q. And how long do they serve on the Executive
 3 Committee?
 4 A. Roughly two years, and then there's elections
 5 either during the session or just before the session,
 6 right after the election, so...
 7 Q. And this is all in the bylaws, everything
 8 you've told me so far?
 9 A. Yes, sir, that's correct.
 10 Q. Do you know how many members MALC has?
 11 A. 41, I believe.
 12 Q. Does that stay the same over the years, or
 13 does that fluctuate?
 14 A. It fluctuates. In 2011, I think we had 39.
 15 In 2013, we had 40, I believe. And now we have 41
 16 because Celia Israel just won a special election, and
 17 she's decided to be a MALC member.
 18 Q. That leads me to my next question. You stated
 19 that she's decided to be a MALC member. How does one
 20 become a MALC member?
 21 A. There are two ways. I think if you're
 22 Mexican-American, you're entitled to automatic
 23 admittance if you accept and -- or if you're a Latino.
 24 But if you're not Latino but represent a majority Latino
 25 district, you can get in through a committee process.

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1 You get the normal provisions that come with being part
 2 of a legislator group, where you can work together to
 3 form coalitions with other groups to pass legislation.
 4 You get information.
 5 So MALC members will call MALC staff to
 6 help us -- help them research ideas. We do some measure
 7 of policy development, and we'll do anything we can for
 8 members to help pass their bills or help them with an
 9 initiative they have.
 10 In addition, we have space, and sometimes
 11 our space is used for events. There's other things that
 12 we can offer. We do basically everything we can for our
 13 members.
 14 Q. You mentioned that space. Where is that
 15 space?
 16 A. 202 West 13th Street, which is about a block
 17 away from here. And we have space 204, which is
 18 essentially a meeting space for caucus meetings or
 19 for -- if MALC members want to meet with their
 20 constituents there, it's our privilege to have them
 21 there, so...
 22 Q. If you're a member of MALC, are you authorized
 23 to speak on MALC's behalf?
 24 A. No.
 25 Q. Who is authorized to speak on MALC's behalf?

35

1 It's all listed in the bylaws, so...
 2 Q. Are there fees or dues involved with being a
 3 member of MALC?
 4 A. There are.
 5 Q. Do you know how much those dues are?
 6 A. I think it's \$300 for a two-year cycle. I
 7 think that's right. It may be \$300 a year. I can't
 8 recall exactly. It's nominal.
 9 Q. Are there different levels of membership, or
 10 is it you're a member of MALC and that's what everyone
 11 is?
 12 A. I think you're a member of MALC and that's
 13 what everyone is.
 14 Q. Okay. Is MALC a partisan organization?
 15 A. No.
 16 Q. So the membership of MALC is comprised of both
 17 Republicans and Democrats. Is that --
 18 A. Correct.
 19 Q. -- correct?
 20 A. Correct. I'm sorry. I didn't mean to cut you
 21 off.
 22 Q. No problem. What kind of privileges or
 23 benefits come with being a member of MALC?
 24 A. I think you get to speak as a unified voice on
 25 matters of importance to the Mexican-American community.

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1 A. The chairman.
 2 Q. Only the chairman?
 3 A. I believe that's true in the bylaws, that he
 4 has a specific bylaw that says the chairman is
 5 authorized to make executive decisions and speak on
 6 MALC's behalf. In practice, though, it rarely ever
 7 comes up. There may be some certain designees by the
 8 chairman, "You can speak on this matter for us. You can
 9 speak on public education for us," but that's usually by
 10 designation.
 11 But I think as a matter of bylaw, I think
 12 only the chairman has the authority to speak on behalf
 13 of MALC.
 14 Q. So if someone seeks the official position of
 15 MALC, they will seek that from the chairman,
 16 Representative Martinez Fischer?
 17 A. That's right. Yes, sir.
 18 Q. You mentioned employees and staff of which
 19 you're a part. Do you know how many, roughly, employees
 20 or staff that MALC employees?
 21 A. It fluctuates. During the session, there's
 22 obviously more. And there's also the MALLF fellows
 23 program. So they're paid for by the MALLF foundation,
 24 but they are in the staff of certain representatives who
 25 request and want MALLF fellows. Currently we have four

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1 employees, and some -- I think we have two interns.
 2 Q. I'm sorry. You said MALC has four employees?
 3 A. Currently. And if you count me as an
 4 employee, and I think you should, even though I'm
 5 technically a vendor. It's kind of a strange
 6 difference, right, but --
 7 Q. So when you say you're a vendor, does that
 8 mean you kind of operate on a contract basis?
 9 A. That's correct, a month-to-month,
 10 nonrefundable retainer, thankfully, so...
 11 Q. You were just mentioning MALLF, I believe?
 12 A. Yes.
 13 Q. M-A-L-F?
 14 A. There's two Ls, I believe. Mexican American
 15 Legislative Leadership Foundation. That's the (c)3.
 16 Q. Okay. So that is a -- MALLF falls under the
 17 umbrella of MALC?
 18 A. Correct.
 19 Q. And what is the purpose of MALLF?
 20 A. To fund fellowships for college students and
 21 graduates to get a stipend to work in MALC member
 22 offices so they can learn about the Legislature.
 23 Q. Okay.
 24 A. It's the Moreno/Rangel program.
 25 Q. Aside from the benefits and privileges that

40

1 Lots of people give MALC money. Some individuals, some
 2 corporations, I believe, and some PACs do. Members give
 3 us money, too, through their dues, so...
 4 Q. So y'all receive funding through individual
 5 donations?
 6 A. Occasionally. It's rare, but yes.
 7 Q. Do y'all receive funding through corporate
 8 donations?
 9 A. I believe that's true. I'd have to check our
 10 C&E. I'm not sure to what degree we get corporate
 11 funding or not, but --
 12 Q. So the C&E reports, which you said are
 13 publically available, they detail the sources and
 14 amounts of the funding that MALC receives?
 15 A. That is absolutely correct. I think we are
 16 one of the few legislative caucuses that detail every
 17 one of our contributions and expenditures.
 18 Q. Do y'all receive funding from sponsorships?
 19 A. What does that mean?
 20 Q. Do y'all hold any events that are sponsored by
 21 corporations or other entities?
 22 A. Truly.
 23 Q. What kind of events do y'all -- what kind of
 24 such events do y'all hold?
 25 A. Annually we have a MALC golf tournament, which

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1 come with being a member of MALC, which you just
 2 described, who does MALC serve other than its members?
 3 A. We serve our members and, by extrapolation,
 4 their constituents.
 5 Q. Does MALC maintain active communications with
 6 the constituents of its members?
 7 A. We get some contact from the constituents of
 8 members, some people at large will call us, contact us
 9 about voter ID issues or redistricting issues or other
 10 issues that we're at the forefront of. It happens
 11 occasionally, yes.
 12 Q. So when a constituent calls you, as you said,
 13 are they calling to communicate with MALC as an
 14 organization or to communicate with one of its
 15 individual members?
 16 A. The former, MALC as an organization, so...
 17 Q. Now, you stated that MALC is a nonprofit
 18 organization. Correct?
 19 A. That's correct.
 20 Q. From where does MALC receive funding?
 21 A. It's listed in our C&E reports. So lots of
 22 PACs give to us --
 23 Q. I'm sorry. Your --
 24 A. I'm sorry. C&E reports, contribution and
 25 expenditure reports. So it's a matter of public record.

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1 will be October 2nd this year if you guys want to come
 2 in. And as part of that, there's, you know, various
 3 events that are individually sponsored or sponsored by
 4 people who give money to legislators, essentially.
 5 We also have policy convenings that are
 6 rare now because we've had a tremendous diversion of
 7 resources because of these voting rights issues, but --
 8 you know, there are other sponsored events, too. We did
 9 a Diez y Seis event at the Capitol.
 10 Q. I'm sorry. Could you say that again?
 11 A. Diez y Seis event at the Capitol. September
 12 16th is the Mexican-American independence, and there was
 13 grito at the Capitol. It was a big event with -- I
 14 think we partnered with some Latino television shows.
 15 It was a great event. I was not present, unfortunately,
 16 but I heard it was great. And during the session --
 17 which is not a sponsored event, but we had a huge
 18 concert for Mexican-Americans. I don't know if you
 19 recall. It was toward the end of the session. We had
 20 8,000 people come from Austin to hear our MALC members
 21 and a Latino musician come play at the Capitol. It was
 22 a great event.
 23 Q. Was that a fundraising event?
 24 A. No. We can't -- we're subject to the
 25 moratorium. We don't fundraise during session.

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1 Q. Do you fundraise outside of session?
 2 A. Yeah, you have to, you know, unless you have a
 3 money tree. It would be great if you can plant one of
 4 those, but --
 5 Q. You mentioned policy convenings?
 6 A. Correct.
 7 Q. Could you describe those a little more?
 8 A. I think three years ago we had an energy
 9 convening where we had MALC members and important
 10 decision-makers and other policy decision-makers come
 11 together and talk about energy policy in Texas. It was
 12 an amazing event. As a policy professional, I saw
 13 honest bilateral dialogue on important matters that I
 14 believe became an idea nursery for several of the
 15 session's best ideas. Anyway, we have some of that, but
 16 less than we used to because of the diversion of
 17 resources.
 18 Q. How many resources are required to put on one
 19 of these policy convenings?
 20 A. It depends. It's variable.
 21 Q. Does MALC organize and execute these policy
 22 convenings by itself?
 23 A. Yes, largely. I'm not sure what you mean by
 24 yourself. Maybe you can explain a little bit better.
 25 Q. Are these policy convenings -- are they put on

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1 A. I don't know. Again, I think the best source
 2 of that is to review -- you can do a spreadsheet, and I
 3 could do that for you if you'd like. But it's probably
 4 from PACs, frankly, and not from corporations
 5 themselves.
 6 Q. But again, that information would be in the
 7 C&E report --
 8 A. Correct.
 9 Q. -- that you mentioned?
 10 A. Yes, sir.
 11 Q. Do you know if any of those C&E reports have
 12 been produced to the defendants in this litigation?
 13 A. You know, I think they have been, but I -- I
 14 know that we -- we've done a lot of document production,
 15 so -- thousands of documents, I believe. I'm not sure
 16 exactly what's in there. I know that if they were in my
 17 computer, then you guys received them. But they are
 18 also public documents that you can download, so...
 19 Q. Where can they be downloaded from?
 20 A. The Texas Ethics Commission. It's
 21 www.tec.state.tx.us. And there's a prompt on the
 22 left-hand side where you can do an advanced search. You
 23 can look at all of MALC's and MALLF's, both their caucus
 24 C&E reports.
 25 Q. Does MALC prepare an annual budget?

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1 by MALC in conjunction with some other organization that
 2 helps split the cost of running such a meeting?
 3 A. No. It's run by MALC.
 4 Q. Okay.
 5 A. I mean, we'll have sponsorships sometimes, but
 6 mostly MALC staff, MALC funded.
 7 Q. And how often are those typically held?
 8 A. You know, when I first began working for
 9 Trey -- when Trey first began at MALC, which was
 10 December of 2008, we had several MALC meetings during
 11 the session and we had -- I think we had a MALC
 12 convening at the golf tournament, so a couple times a
 13 year. And now I think we're down to one every two
 14 years, roughly, so...
 15 Q. What would you say is MALC's largest source of
 16 funding?
 17 A. You know, I don't know. I'm sorry. It may be
 18 EFH or AT&T. But it's listed in our C&E reports, so I
 19 think that's probably the best descriptor of where we
 20 get our money from.
 21 Q. What is EFH?
 22 A. Energy Future Holdings. It's an energy
 23 company that was part of the TXU private buy-out.
 24 Q. So would you say your largest source of
 25 funding comes from corporate donations?

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1 A. Yes.
 2 Q. And who has the ultimate authority over that
 3 budget?
 4 A. The chairman.
 5 Q. So can the chairman decide to make last-minute
 6 unilateral changes to that budget?
 7 A. Surely. It rarely happens, but yes.
 8 Q. Are the annual budgets of MALC publicly
 9 available?
 10 A. No.
 11 Q. Does MALC budget or reserve space in its
 12 annual budget for set dedicated operating funds?
 13 A. I don't know what you mean by that. We have
 14 budget categories. You know, there's a certain amount
 15 for staff or for staff positions. There's a certain
 16 amount for rent. Rent is very expensive. There's a
 17 certain amount for, you know, our other policy
 18 focuses -- foci. And large portions of that have been
 19 dedicated for the last four years to voting rights,
 20 so...
 21 Q. Does MALC reserve any space in its annual
 22 budget for funds that can be allocated on an as-needed
 23 basis?
 24 A. I don't know. I don't think so. I -- it's --
 25 budgets are always documents of priorities, right, and

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1 they're also highly variable, depending on how much you
2 take in in terms of how much you raise. Right?
3 We try to keep a corpus of a certain
4 amount of money that we won't go below, and I think
5 we've gone below that. We are currently in the worst
6 budget situation that we've ever had since I've been
7 here, and it's almost entirely because of our -- the
8 last four years of voting rights litigation and advocacy
9 on behalf of MALC.

10 Q. Can you approximate a percentage of your
11 annual budget that's been dedicated towards voting
12 rights litigation?

13 A. I can't, but I can approximate a current
14 budget, my time. I get paid a certain amount, and 80 to
15 90 percent of my time is dedicated to voting rights
16 litigation. So voting rights takes up 80 percent of my
17 time with MALC. So that's less time for me to do policy
18 development. It's less time for me to work with members
19 about their own bills. It's less time for us to focus
20 on our core mission.

21 Q. You mentioned the core mission of MALC. Can
22 you describe generally the kinds of activities that MALC
23 regularly engages in in furtherance of its core mission?

24 A. We try to develop policies to advance that
25 core mission. We work with our members with their own

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1 time. They kind of get jammed together.

2 Q. So it was December 2010 is when your
3 involvement with MALC began?

4 A. One second. I'm sorry. I'm trying to
5 remember. It was 2009, because Pete was in the
6 legislature. He was the chairman right before Trey.

7 Q. When you say "Pete" --

8 A. Pete Gallego. I'm sorry. Representative
9 Gallego at the time. But Trey was chairman for one
10 session when Pete wasn't. So that's why it was 2000 --
11 so I was right. It was December 2008. I'm losing my
12 mind a little bit, so...

13 Q. Would this be a good time to take a short
14 break?

15 A. No. I'm square. I'm good.

16 Q. If you ever need to take a short break, please
17 just let me know.

18 A. I'll just leave, so I'll be fine.

19 Q. I'd appreciate it if you'd tell me before you
20 just leave.

21 A. I'm just teasing.

22 Q. Okay. Since you've been with MALC -- and
23 let's call that since 2008.

24 A. December, yes, sir.

25 Q. December 2008. What has MALC done to track

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1 bills. We try to pass their agenda. We work with their
2 staffs to make sure that their staffs are the best
3 prepared that they can be. We try to speak with
4 unanimity on issues of importance with the
5 Mexican-American community, and generally do everything
6 you can to try to speak with one voice about matters of
7 importance to the community as a whole, which includes
8 things like, you know, press releases, policy agendas,
9 and every other public kind of statements you can make,
10 so...

11 Q. And what kinds of resources are devoted to
12 these core activities?

13 A. Financial resources, staff resources, and
14 time.

15 Q. So you said you started with MALC in 2008. Is
16 that correct?

17 A. That's when Trey began as chairman. I was his
18 chief of staff then.

19 Q. Okay.

20 A. It was my job to act as a liaison and to some
21 measure deliver his message to MALC staff at the time.
22 So I guess the MALC staff, in some way, were managed by
23 me. He was elected in December of 2008.

24 I'm sorry. I apologize. It was December
25 of 2010. I'm off by two years. I've worked for a long

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1 and follow voter ID legislation since then?

2 A. We help develop amendments. We certainly did
3 track the various voter ID bills that were filed at the
4 time. We helped develop procedural points of order and
5 questions of order. We developed Q and As for our
6 members and for the chairman to ask between the speaker
7 and he. We developed a strategy dealing generally with
8 all that, and we worked to try to prevent its passage.

9 Q. Does MALC consider the tracking of voter ID
10 legislation and the work you just described as part of
11 its core mission?

12 A. Yes. I think that's part of what we do, is --
13 as a legislative organization, is to track legislation.

14 Q. Does MALC monitor voter ID legislation being
15 proposed or enacted in other states?

16 A. Generally. I think Texas is unique in many
17 ways, so the laws of Wisconsin or Pennsylvania or South
18 Carolina or Indiana or Georgia have tangential relevance
19 to what we do here. But as part of investigating any of
20 these things, you should know what they're doing in the
21 states. And so I know generally what they did, so...

22 Q. Do you recall any specific voter ID laws in
23 other states that MALC has specifically spent resources
24 tracking or following?

25 A. You know, I don't know the state, but I

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1 remember one had a photo ID requirement with a waiver --
 2 an affidavit pass. So you could sign a waiver saying
 3 who you were. And there were less restrictive policies
 4 considered in all states compared to Texas. And I'm
 5 much more familiar with kind of the evolution of the
 6 voter ID policy here, obviously. By my estimation, we
 7 have the most stringent voter qualification law in the
 8 states, but that's maybe a limited opinion, so...

9 Q. Does MALC communicate with members of other
 10 state legislatures regarding these proposed voter ID
 11 legislations in other states?

12 A. Not regarding voter ID. There are some
 13 inter-caucus relationships through the Board of Hispanic
 14 Caucus Chairs, and there was a legislator in -- a
 15 Republican legislator in Florida who is very close with
 16 my boss and Representative Anchia. So they may have
 17 spoken about voter ID, but nothing formally between the
 18 two caucuses.

19 Q. Do you remember who that legislator in Florida
 20 was?

21 A. He's a really nice guy. I forget his name. I
 22 can look it up and make my answer more full. I would
 23 know him if I saw him. I apologize. I don't remember
 24 his name. Nice guy, though. Smart guy.

25 Q. At the end of the deposition, I'll give you an

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1 MALC regarding its stances or positions in regards to
 2 voter ID legislation in Texas?
 3 A. They haven't. I hope that they would, because
 4 several of our members are very -- have a deep knowledge
 5 of this area and how it affects the Latino community.
 6 And I think that however it affects the Latinos here in
 7 Texas, it probably affects them in Nevada the same way
 8 or California or New Mexico, Arizona, all throughout the
 9 American Southwest. I would hope we could be a model
 10 for them.

11 Q. So y'all don't have any direct communication
 12 with members of other state legislatures regarding voter
 13 ID legislation. Do y'all exchange documents or
 14 materials with other members of other state legislatures
 15 regarding voter ID legislation?

16 A. No, not to my knowledge. We haven't yet.

17 Q. Does MALC engage in any kind of activities
 18 related to voter registration?

19 A. Only through our membership, but nothing
 20 directly by the caucus itself. I think it would be
 21 inappropriate for MALC to do that.

22 Q. When you say only through your membership,
 23 what does that mean?

24 A. If the legislators themselves do a voter
 25 registration drive -- they're members of MALC, but

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1 opportunity to clarify or amend any kind of answers, so
 2 if you think about it between now and then --

3 A. Surely.

4 Q. -- you will have an opportunity to state it at
 5 the end.

6 A. Surely.

7 Q. So sorry. Just to get back to voter ID being
 8 proposed in other states and communications with members
 9 of other state legislatures about voter ID legislation.

10 Did you testify that MALC does not
 11 communicate with other states regarding voter ID laws?

12 A. That's correct. I think that we've sent some
 13 letters -- I remember a letter before Trey was
 14 chairman -- I think Pete sent a letter to the Illinois
 15 legislature. And there was a time in which the Delaware
 16 legislature wanted to form its own Latino caucus, and I
 17 think that Representative Gallegos, now Congressman
 18 Gallegos, had discussed the bylaws. And I think that
 19 MALC is a model for these various legislative groups.
 20 That's what I meant. There was nothing formal there,
 21 but there has been some inter-caucus communications, but
 22 I can't speak to the depth of it for voter ID.

23 Q. So if there were a legislative caucus in
 24 another state that was dealing with or opposing a voter
 25 ID legislation, would they ever reach out or contact

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1 they're doing a voter registration drive for whatever
 2 reason. So through our members they register voters,
 3 but nothing directed because of the caucus actions.

4 Q. So if a member of MALC engages in any kind of
 5 activity related to voter registration, are they doing
 6 so in their individual capacity as a legislator and not
 7 as a member of MALC?

8 A. I think that's correct.

9 Q. So is it correct to say that MALC does not
 10 expend any resources towards voter registration
 11 activities?

12 A. Voter registration?

13 Q. Yes.

14 A. No.

15 Q. Does MALC engage in any kind of activities
 16 related to voter education?

17 A. Absolutely.

18 Q. Could you describe those activities?

19 A. We are an information hub about the law, and
 20 so our duty is to inform our members so they can inform
 21 the constituents how various laws might affect them,
 22 specifically SB 14. Over the last -- since SB 14 began
 23 to be enacted last year, we have received lots of
 24 requests by legislators about what the law means and how
 25 they can talk to the constituents about the law, what

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1 their requirements are. And so MALC has been a resource
 2 for voter education for the members themselves.
 3 And there's also been members of the
 4 community who would call up and ask what does the law
 5 mean, and we would tell them to the best of our
 6 knowledge, to give them resources as best we can.
 7 We have an electronic newsletter that we
 8 send out every week called The Caucus, and voter ID
 9 has -- and SB 14 and its requirement have been a central
 10 part of each of those, which I think we gave to you in
 11 our document productions. Also our public statements,
 12 where we try to educate voters about the effects of
 13 voter ID and what the requirements are in order to
 14 educate them for their vote, have been prominent. We've
 15 also given you those things, too.
 16 So it's my experience that we've devoted
 17 a lot of resources to be an information hub to voter
 18 educate on this issue, so...
 19 Q. So do y'all expend or commit resources to
 20 educate both members of MALC about voter ID laws and
 21 constituents of members of MALC about voter ID laws?
 22 A. I think that's right. I think that The Caucus
 23 doesn't just go out to members. And our public
 24 statements obviously travel wherever they go. And so I
 25 think that it's for the public and for the members

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1 SB 14.
 2 Q. When you say "a radical uptick," can you
 3 exemplify that by a certain percentage?
 4 A. I think it's very difficult to empirically say
 5 X amount of time or money was spent on this issue
 6 because there's lots of indirect costs that you may not
 7 be aware of or you might miss.
 8 I will just say this: When we began
 9 working as a chairman, Trey had a vision for MALC to
 10 have a broad, comprehensive policy horizon that changed
 11 the way which MALC and Latino issues were talked about.
 12 We've done some part of that, but his goal for MALC was
 13 to be able to talk about roads, transportation, energy,
 14 and to devote staffers to those core concepts. We've
 15 been unable to do that because of the last four years
 16 with the diversion of resources in order to answer the
 17 clarion call to combat this bill and its law.
 18 Q. But when you say "a radical uptick in
 19 resources," what is that based on?
 20 A. My prior knowledge of the budget. I just know
 21 that we had a vision to hire policy analysts for complex
 22 financial transactions. We had a vision to talk about
 23 transportation and water policy and a more complex and
 24 fundamental way to kind of change the way in which
 25 people thought about Latino policy, and we've been

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1 themselves.
 2 Q. Can you tell me what kinds of resources are
 3 committed towards voter education activities?
 4 A. First you have to understand the law in order
 5 to talk about it. So much of my job is to suss out the
 6 law and understand it. So some portion of my salary is
 7 dedicated to that.
 8 Our public statements via press releases,
 9 Facebook responses, or through our caucus, are written
 10 by staff. There is staff time devoted to that. It
 11 costs money to do those things. The cost of contact --
 12 I think we actually use a different email platform that
 13 costs money each month to -- you have to develop the
 14 words for this. There's editing involved in that.
 15 Anyways, long story short, I think that
 16 lots of staff time is diverted from our core purpose,
 17 which is policy development and member relations, to
 18 educating on this topic, so --
 19 Q. Did MALC commit resources towards voter
 20 education purposes prior to SB 14?
 21 A. Not to my knowledge. There may have been some
 22 resources committed to talk about the law generally, but
 23 there's been a radical uptick -- a logarithmic increase
 24 in the amount of money, time, staff that we spent
 25 educating our members and the public at large about

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1 fundamentally unable to do those things because of our
 2 diverted focus to voting rights issues. And I guess I
 3 could -- I'm not sure how I could empirically show it to
 4 you, but I just know it's true, so...
 5 Q. Does MALC engage in any kind of activities
 6 related to assisting voters during elections?
 7 A. Only through voter education. I assume by
 8 assisting voters you mean helping them to the polls or
 9 GOTV effort. That would be inappropriate for a (c)3 or
 10 a (c)6.
 11 Q. When you say "GOTV," is that get out the vote?
 12 A. That's correct. We don't do that. We just --
 13 we voter educate as much as we possibly can.
 14 Q. Do you have any knowledge of MALC's policy or
 15 advocacy-related work with regard to voter ID
 16 legislation prior to December 2008?
 17 A. Surely.
 18 Q. Could you describe MALC's policy or advocacy
 19 working prior to 2008 with regard to voter ID
 20 legislation?
 21 A. Yes. It's the same general thing. We did
 22 lots of amendments, lots of Q and A, lots of points of
 23 order by and through our membership and their staffs to
 24 try to defeat the bill in 2005, 2007, 2009. If you look
 25 back at the chubathon, lots of those people doing the

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1 chubathon were MALC members. Representative Raymond, I
 2 think, had almost a whole day to himself where he talked
 3 off a whole bunch of bills. So I think that MALC
 4 members have played a central role in advocating against
 5 the bill in its various forms.
 6 Q. When you say "chubathon," is that in reference
 7 to the practice known as chubbing?
 8 A. Yes, sir.
 9 Q. And what is chubbing?
 10 A. It's where you elongate the time on a bill,
 11 longer than it normally would take, either through Q and
 12 A or just long talking.
 13 Q. Is that a procedural tactic that MALC
 14 regularly employs?
 15 A. Not regularly, but it happens -- legislators
 16 employ it. I think it happens once a session; although,
 17 I can't point to a time this last session when it
 18 happened. Toward the end of any deadline, I think
 19 there's always kind of a legislative desire to start
 20 hitting the bricks. This was much different. This was
 21 a concerted caucus-wide effort to defeat a bill by
 22 literally talking off 150 bills off the calendar. It
 23 was amazing.
 24 Q. Do you remember what bill was defeated in that
 25 instance?

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1 would publicize its support or opposition to a voter ID
 2 bill?
 3 A. By and through its members and public
 4 statements issued by the caucus itself, public
 5 statements issued by members of the Executive Committee
 6 or the chairman. I don't know if we ever did a policy
 7 paper on it, but we may have. Representative Anchia had
 8 several statements. He's a member of MALC. I think
 9 that's exhaustive. There may be some things I'm missing
 10 like social media, but I don't think our social media
 11 really began until a little bit later, so...
 12 Q. Does MALC have a Twitter account?
 13 A. You know, I think we do. I don't think it's
 14 operational. Usually Trey's Twitter account is kind of
 15 the central point for public statements, either as Trey
 16 or as MALC chairman.
 17 Q. But MALC employs various modes of social media
 18 to communicate with its members and the constituents of
 19 its members. Is that correct?
 20 A. Yes, sir. And the public at large. Right.
 21 Q. Sure.
 22 A. I don't think I can --
 23 Q. So has MALC been engaging in voter education
 24 activities related to various voter ID bills since 2004?
 25 A. I can't speak to 2004, 2005. I can only speak

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1 A. It was the Troy Fraser bill. I think it was
 2 SB 362, if I recall correctly. But again, the numbers
 3 kind of come together in my -- and it wasn't necessarily
 4 his bill that was talked off. His bill was on the
 5 calendar, and there was an intervening local calendar.
 6 And so the local calendar took six days to get through,
 7 five or six days, which it would normally take four or
 8 five hours.
 9 Q. Was that in 2009?
 10 A. Correct.
 11 Q. Has MALC ever taken a public position in
 12 support for or in opposition of a voter ID-related bill?
 13 A. I think so. I think that we had some press
 14 releases against the bill. I think Trey's public
 15 statements as MALC chairman were against the bill. I
 16 think that we provided those to you as much as we had
 17 them in our custody.
 18 Q. When you say "the bill," do you mean SB 14?
 19 A. That's correct. All the bills. I'm trying to
 20 remember -- I don't remember, in 2005, if there was a
 21 concerted press release issued by Chairman Gallego at
 22 the time, and I don't remember in '07 and '09 directly,
 23 but I know that Trey has made various statements, and
 24 certainly in '09 and '11 against the bill, so...
 25 Q. Could you describe all the ways that MALC

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1 to the recent uptick since the bill has been passed.
 2 Voter education is probably not necessary if there is --
 3 the bill hasn't been passed or implemented. Right?
 4 Although, sometimes I think members
 5 receive questions or MALC receives questions saying, "Do
 6 I have to bring my ID or not?" Right? That's a form of
 7 voter education. But before the passage we would say,
 8 "No," and after the passage we would say, "Yes."
 9 I would just say generally there has been
 10 a tremendous increase in the amount of information
 11 requested and provided by MALC on this issue, so...
 12 Q. And when you say "this issue," you mean SB 14?
 13 A. Correct, the implementation of SB 14.
 14 MR. TATUM: Can we take a quick break for
 15 a few minutes?
 16 MS. RUDD: That would be great.
 17 THE WITNESS: Surely.
 18 MR. TATUM: We'll go off the record.
 19 (Recess from 10:41 a.m. to 10:49 a.m.)
 20 (Exhibit No. 2 marked)
 21 Q. (By Mr. Tatum) Mr. Golando, I'm handing you
 22 what's been marked as Exhibit 2. And I believe you
 23 stated that you reviewed this document, but just to make
 24 sure: Do you recognize what this document is?
 25 A. I believe this is what I reviewed.

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1 Q. And what is this document?

2 A. It's our intervention, I believe, or our

3 complaint. I get confused between the two.

4 Q. I'll represent to you that this is the

5 complaint that initiated MALC's involvement in this

6 lawsuit. Did you assist with the preparation of this

7 document?

8 A. No. Sadly.

9 Q. Is it true that MALC does not claim that SB 14

10 causes injury to any of its members?

11 A. I believe that's true in the following way.

12 I've thought about this deeply for a while, and I think

13 that the passage of the bill did harm our members. I

14 think it's harmful whenever the State of Texas passes a

15 racist law, and in that sense it harms members of the

16 minority community and their representatives very

17 gravely.

18 So I think that -- I'm not sure what's

19 said in the complaint on that score, but I believe that

20 there has been an immeasurable but serious harm to my --

21 the members of my organization.

22 Q. Mr. Golando, I ask that question because I

23 have an email from one your counsel, Ms. Lindsey Cohan,

24 stating that MALC is not asserting individual injury to

25 any of its members.

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1 MS. RUDD: Okay. Let me just clarify

2 that. I believe our position is that MALC is not

3 asserting individual injury to any of its members for

4 purposes of proving standing in this case. I think

5 that's a separate question from whether or not as an

6 esoteric matter SB 14 and voter ID legislation has some

7 form of harm or creates some sort of injury for members

8 generally speaking. But that's certainly true for

9 purposes of standing, Stephen.

10 MR. TATUM: Okay.

11 Q. (By Mr. Tatum) Okay. So, Mr. Golando, do you

12 agree that for purposes of standing, MALC is not

13 asserting individual injury to any of its members

14 because of SB 14?

15 MS. RUDD: And I'm just going to object

16 to the extent that that calls for a legal conclusion.

17 A. I guess that's true. I would say that none of

18 the members are probably going to be directly affected

19 by voter ID. None of them are going to be prevented

20 from voting. But again, I reassert that there is

21 immeasurable harm when a racist law is passed and harms

22 members of the minority community the most.

23 Q. (By Mr. Tatum) So is MALC asserting the

24 rights of its members in this lawsuit?

25 MS. RUDD: Objection; calls for a legal

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1 conclusion.

2 A. Yes, organizationally, I think that's right.

3 Q. (By Mr. Tatum) Is MALC asserting the rights

4 of the constituents of its members in this lawsuit?

5 A. To the degree that we represent the

6 Mexican-American community, of course.

7 Q. Is that because MALC believes that SB 14

8 denies or abridges the right to vote of constituents of

9 MALC members?

10 A. Correct.

11 Q. Do members of MALC believe that SB 14 will

12 affect their constituents' ability to elect or reelect

13 them?

14 A. Yes.

15 Q. With regard to standing, is it MALC's position

16 that it is only representing the interests of itself as

17 an organization in joining this lawsuit?

18 MS. RUDD: Wait. Can you repeat that,

19 Stephen?

20 MR. TATUM: Sure.

21 Q. (By Mr. Tatum) On the issue of standing, is

22 it MALC's position that it is only representing the

23 interests of itself as an organization in joining this

24 lawsuit?

25 MS. RUDD: Objection; calls for a legal

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1 conclusion.

2 A. I don't really know the parameters of

3 standing. I mean, I do, because I'm an attorney, but

4 I -- what I will say is that MALC sought this because --

5 in the interest of its members in the community and as

6 an organization. So I'm not sure that answers your

7 question, but maybe if you say it again, I'll try to do

8 it.

9 Q. (By Mr. Tatum) Well, let me just ask: Why

10 did MALC join this lawsuit?

11 A. Because we believe that members of our

12 community and the legislators themselves will be deeply

13 harmed by its passage and have been.

14 Q. When did MALC first learn of this lawsuit?

15 A. This one -- the Section 2 one?

16 Q. Yes.

17 A. In the fall of 2013.

18 Q. And how was it decided that MALC would join

19 this lawsuit?

20 MS. RUDD: Okay. I'm going to object to

21 the extent that calls for you to reveal any

22 communications, Marty, that were had between you and the

23 organization in your capacity as an attorney or with

24 other attorneys for MALC in determining what to do in

25 this lawsuit.

<p style="text-align: right;">66</p> <p>1 A. On the advice of counsel, I think I can't -- I 2 don't think I can discuss that without going into the AC 3 privilege. 4 Q. (By Mr. Tatum) Okay. Mr. Golando, were there 5 meetings held to discuss the possibility of joining this 6 lawsuit? 7 A. There was not a formal MALC meeting. 8 Q. Were there informal MALC meetings held? 9 A. I don't know if Trey talked to other members 10 or not generally. I'm sure that he did informally, and 11 I'm sure that this came up, voter ID generally, its 12 implementation and whether or not we would join or 13 intervene, but I don't know for sure. 14 Q. Who within MALC made the ultimate decision to 15 join this lawsuit? 16 A. The chairman. 17 Q. Representative Martinez Fischer? 18 A. Correct. 19 Q. Was that a unilateral decision? 20 MS. RUDD: Objection; vague. 21 A. And again, I don't have any specific knowledge 22 of his conversations with other representatives, so I 23 don't know if it was unilateral in the sense that he 24 decided it solely. I think it was probably a consensus 25 decision between he and other members. But again, I</p>	<p style="text-align: right;">68</p> <p>1 know what general inferences the public made from that. 2 Q. Did MALC consider the input of its members or 3 constituents leading up to its decision to join this 4 suit? 5 A. Certainly. 6 Q. And how was that input sought? 7 A. Through the public statements of members 8 themselves. And I'm sure that representatives had 9 conversations about the implementation of SB 14 and how 10 it would affect other members and their constituents. 11 I'm sure he is privy to conversations that I wasn't 12 privy to. 13 Q. Did you provide any legal advice to the 14 chairman regarding the decision to join this suit? 15 A. Yes. 16 Q. Did the chairman receive legal advice from 17 attorneys other than yourself leading up to the decision 18 to join this suit? 19 A. Yes. 20 Q. Do you know if the chairman received legal 21 advice from members of other organizations such as the 22 NAACP or Texas League of Young Voters leading up to the 23 decision to join this suit? 24 A. I don't think so. I don't think he had any 25 contact with Mr. Bledsoe or Mr. Notzon, other than</p>
<p style="text-align: right;">67</p> <p>1 have no specific knowledge of any direct conversation he 2 had with another representative. 3 Q. (By Mr. Tatum) Based on what you do know 4 about MALC, would the decision -- would the action taken 5 to join this lawsuit be the result of a vote amongst the 6 Executive Committee? 7 A. Not likely. 8 Q. Is it likely that the decision to join this 9 lawsuit was made solely by the chairman of MALC? 10 A. By and through his discretion given to him by 11 the bylaws, likely, but I don't know, again. There may 12 have been informal talks or not. 13 Q. Do you know if any representatives of MALC met 14 with any other parties to this suit to discuss the 15 possibility of joining this suit? 16 A. I don't know. 17 Q. Did MALC publicize that it was considering 18 joining this suit? 19 A. By "publicize," do you mean to the public at 20 large? 21 Q. Yes. 22 A. I don't think so; although, we had been 23 involved in the Section 5 suit. I think it would be a 24 natural assumption on behalf of people in the know that 25 we would seek Section 2 relief possibly. So I don't</p>	<p style="text-align: right;">69</p> <p>1 redistricting. They would have talked about 2 redistricting probably. And Texas League of Young 3 Voters, I know the attorney's -- I can see his face. I 4 just don't know his name. I'm sure that Trey would 5 never -- has never spoken to him, so... 6 Q. Are you aware that the United States is a 7 party to this lawsuit represented by the Department of 8 Justice? 9 A. Yes, sir. 10 Q. At any time did MALC urge the Department of 11 Justice to sue the State of Texas over SB 14? 12 MS. RUDD: And I -- I mean, I guess you 13 can answer the question. 14 A. I'm trying to think if we -- 15 MS. RUDD: I just want you to be careful 16 about the attorney-client privilege to the extent there 17 are any communications prior to the filing of the 18 lawsuit that were attorney-related communications or any 19 legal advice. 20 A. And just to be clear, what you mean by this 21 lawsuit, you mean the Section 2 lawsuit, not the 22 Section 5 matters -- 23 Q. (By Mr. Tatum) Yes. I'm referring to the 24 litigation that brings us here today. 25 A. I don't think so. I don't think any MALC</p>

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1 members to my knowledge or MALC as an organization sent
2 a letter to the DOJ saying, "Please sue." I don't think
3 that happened. I think if there was advocacy, it was
4 limited to just, "We think this is a bad law. Something
5 should be done," and it was probably mostly done in
6 relation to Section 5 and not Section 2.

7 Q. Does MALC feel that its interests are not
8 adequately represented by the United States of America
9 in this lawsuit?

10 A. Yes.

11 Q. And why is that?

12 A. I think that there are unique requirements for
13 Latino-elected officials and their constituents that
14 aren't necessarily represented by the DOJ. I say that
15 with all respect to the DOJ, so...

16 Q. Is MALC as an organization harmed by SB 14?

17 A. Yes.

18 Q. In what ways is MALC harmed by SB 14?

19 A. For the last four years, roughly, we have
20 diverted a tremendous amount of financial resources and
21 staff time and other resources to educate the public
22 about its effects and to combat its implementation.

23 Q. Can you tell me what portion of MALC's annual
24 budget is diverted towards educating Texans specifically
25 about SB 14?

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1 Q. In what way has MALC been unable to fulfill
2 its mission because of SB 14?

3 A. The mission of MALC is to have a comprehensive
4 voice about all matters of importance to the
5 Mexican-American community, to provide assistance to our
6 member legislators and their staffs in order to further
7 that goal. The comprehensive goal is not just related
8 to the traditional civil rights issue.

9 Like I said before, Trey's goal for the
10 caucus was to have a diverse and new policy horizon for
11 MALC members and Latino policy. That current goal is
12 under serious constraints because of our diversion of
13 resources. It's sad, but it's true.

14 Q. Does MALC consider its SB 14-related
15 activities as outside the scope of its mission?

16 A. The voter education portion -- I wouldn't say
17 it's necessarily outside the scope of the mission, but
18 it certainly has taken away from the core mission which
19 is a comprehensive policy voice. Comprehensive means
20 more than just one thing. Right? If we wanted to talk
21 about water or transportation, complex financial
22 transactions, other issues that aren't considered Latino
23 issues, we wanted to change that, and we have been
24 unable to do so because of the devotion of the time and
25 resources to this issue, so...

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1 A. The portion -- about 80 percent of my salary
2 is devoted to voting rights -- 80 percent of my time and
3 therefore 80 percent of my salary, whatever it is, has
4 been devoted to voting rights issues in Texas generally.
5 I think that whatever space that we have
6 in our electronic correspondence, our weekly newsletter,
7 its cost -- and usually one-third of the copy is devoted
8 to SB 14 or voter ID or status update on litigation. So
9 whatever the monthly cost of that is.

10 Plus the staff time itself. We're not
11 hourly. We're flat rate, and so it's hard to determine
12 what percentage, but a significant percentage. It's
13 prevented us from having lots of policy convenings that
14 we might want. And most recently I think that a good
15 example is that we have a border crisis right now for
16 UACs, unaccompanied children, and it would be a
17 traditional role of MALC to play a bigger role, have a
18 convening, talk about what the needs are for border
19 protection and how we can ameliorate this immediate
20 situation, and we haven't been able to focus on it
21 because of the diversion of staff time and focus and
22 financial resources, unfortunately.

23 Q. Does MALC contend that it is unable to fulfill
24 its mission because of SB 14?

25 A. Yes, in part.

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1 Q. Do you know what percentage of MALC's
2 financial resources have been diverted towards the
3 litigation of this lawsuit?

4 A. This lawsuit, we've been lucky enough to have
5 little litigation expenses associated with this. We had
6 a lot more travel during the Section 5 trial. Mr.
7 Garza's salary, some part of it has been devoted to
8 this. And obviously, some portion of my salary is
9 devoted to this; although, I'm not involved with the
10 litigation, more the voter education policy development
11 side of it. I guess it's a mixed bag. I couldn't say
12 specifically, but there has been some resources -- some
13 significant financial resources devoted -- I guess -- a
14 bunch, I guess.

15 Q. Who is Mr. Garza?

16 A. He is my co-counsel in the redistricting
17 matter. He's also lead counsel for some of the
18 individual intervenors in this case, and he advises the
19 representative on voting rights matters.

20 Q. And redistricting matters?

21 A. Yes, he's the counsel on redistricting. But
22 to be clear, some portion of his salary throughout the
23 last three years has been dedicated to voter ID.

24 Q. Has MALC publicized its participation in this
25 lawsuit?

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1 A. Yes, I believe so.
 2 Q. In what ways?
 3 A. Press releases. I think we did a press call
 4 when we intervened. Trey talks about the litigation
 5 generally. We do less talking about it and more voter
 6 education now than we used to. But, yes, we certainly
 7 talk about it publicly.
 8 Q. In the course of publicizing its involvement
 9 in this lawsuit, has MALC sought donations or
 10 contributions from its normal sources of funding?
 11 A. Do you mean is voter ID something we
 12 fundraised off of? Is that your question?
 13 Q. Yes.
 14 A. No. You can't fundraise off of voter ID.
 15 Q. Why not?
 16 A. It's deeply controversial. So our traditional
 17 sources of funding are from institutional givers to
 18 legislators. Right? Those legislators have a
 19 multifaceted business, and they don't want to give
 20 to controversial groups. In fact, our fundraising
 21 levels have slowly decreased over time, in part because
 22 of our intervention and complaint in this lawsuit. You
 23 can't fundraise off this issue. You just can't. It may
 24 give you cachet because you're a voting rights leader,
 25 and that means something in the Latino community, but

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1 may be more supportive of redistricting efforts that
 2 MALC has been under, but it's less true for voter ID.
 3 But I don't know for certain if any of
 4 the statements -- any of the money we receive from
 5 certain PACs, if those PACs themselves have said, "We
 6 support voter ID or your efforts."
 7 I don't recall, so -- but it would
 8 be -- if it did, it would be a very small percentage of
 9 the financial undertaking, so...
 10 Q. So is it your testimony that MALC has seen its
 11 donations and or sponsorships decrease as a result of
 12 its involvement with this lawsuit?
 13 A. This and other lawsuits, yes, I think that
 14 that's empirically true. And our costs have
 15 skyrocketed.
 16 Q. You mentioned that costs have skyrocketed, but
 17 I believe it was your testimony that you had minimal
 18 costs related to this litigation. Is that --
 19 A. I thought you meant litigation. Other costs
 20 have skyrocketed, like voter education and other
 21 efforts. That's how I understood your question, so...
 22 Q. Again, I don't want to mischaracterize your
 23 testimony. How would you describe the resources of MALC
 24 that have been devoted to the litigation of this
 25 lawsuit?

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1 there's no way you can fundraise off it meaningfully.
 2 Q. Has MALC attempted to fundraise off of SB 14?
 3 A. No, sir.
 4 Q. Does it have any plans to attempt to fundraise
 5 off of SB 14?
 6 A. No, sir.
 7 Q. Is that because it believes it's just not
 8 possible to do so?
 9 A. Not meaningfully possible. I don't think
 10 that's -- I don't think I can go to our institutional
 11 givers and say, "Hey, fund this lawsuit. And by the
 12 way, give us more money." That's not the way it works,
 13 so...
 14 Q. Do you think that some of your organizational
 15 givers might agree with your involvement in this
 16 lawsuit?
 17 A. They may individually, but certainly the
 18 organizations that they represent probably would not;
 19 although, some of them may. A very small percentage
 20 may.
 21 Q. Have any of these organizations expressed
 22 support for MALC's involvement in this lawsuit?
 23 A. I'm trying to think. I believe that -- in
 24 this lawsuit? That's more true for redistricting,
 25 because if you represent a PAC that's a labor union, you

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1 A. Some portion of my salary, some portion of
 2 Mr. Garza's salary. Salary is kind of a loose term
 3 here. It's just what MALC pays them. Some portion of
 4 the -- our public statements, whatever they cost to
 5 generate by staff or by the Executive Director, some
 6 portion of our fixed costs associated with electronic
 7 distribution there, some portion of our administrative
 8 costs devoted to dealing with staff and paper,
 9 et cetera, some portion of our rent, right, because
 10 we've had some legal meetings about this litigation
 11 between me and Mr. Garza and the representative there.
 12 I mean, there's lots of indirect costs
 13 that you could add up, but it adds up to a pretty big
 14 number, I imagine, in terms of constraints. Our travel
 15 costs during the Section 5 trial.
 16 Q. Would the allocation of resources towards the
 17 litigation of this lawsuit, would -- those be evident in
 18 the C&E documents that you referenced earlier?
 19 A. They would largely be evident. The travel
 20 would be apparent, because it would have been during the
 21 Section 5 trial. You would see a plane ticket for me or
 22 Mr. Garza, and the costs for lodging. So that would be
 23 during -- I guess that was July of 2012.
 24 You would see my salary. As I said, some
 25 portion of my salary is dedicated to this litigation and

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1 to voter education generally.
 2 Mr. Garza is less apparent because he's
 3 more of a mixed bag. He gets paid more for
 4 redistricting than I do, but some portion is for voter
 5 ID. And I couldn't tell you -- month to month it
 6 changes, so -- and so you'd figure some portion of the
 7 amount of money we spent to distribute our electronic
 8 newsletter, some portion of Lindsey's salary, because
 9 she's the one who helps generate that content.
 10 Q. I'm sorry. Who?
 11 A. Lindsey Rodriguez. She's one of the policy
 12 analysts we talked about before. Some portion of
 13 Summer's salary who runs the caucus, because we had to
 14 devote time to preparing for all the stuff.
 15 I guess my point is that the costs may be
 16 nominal compared to redistricting, but they are
 17 certainly larger than they normally would be, and they
 18 are daunting to my caucus, so...
 19 Q. Mr. Golando, I just want to be clear that when
 20 I'm asking you about costs associated with this
 21 litigation, I mean the Section 2 litigation.
 22 A. Okay. I'm sorry.
 23 Q. I'm not referring -- I'm not talking about
 24 redistricting. I'm not talking about Section 5
 25 preclearance. I'm talking about the Section 2 case that

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1 we're currently involved in.
 2 A. I apologize. So there's no travel, then. But
 3 some portion of Mr. Garza's salary since fall has been
 4 devoted to voter ID. Some portion of my salary has
 5 been. Again, the others would stay the same, generally,
 6 so...
 7 Q. When you say a portion of your salary, does
 8 that mean a portion of your already set salary, or has
 9 your salary been increased because of your work with
 10 this case?
 11 A. Recently it's been increased. I used to get
 12 about \$1,000 from MALC a month, and now I get \$1,600
 13 roughly a month, and it's been increased in part because
 14 of our increased needs for voting rights. Not a lot of
 15 money, but it's a lot of money to me, so --
 16 Q. Not making a judgment on any of that.
 17 Do you know specifically what portion of
 18 the kind of set costs that you referenced earlier have
 19 had to have been diverted towards SB 14-related
 20 activities?
 21 A. Again, it's very difficult to say. So our set
 22 costs are salary costs, rent, and other things like what
 23 you pay for your newsletter distribution, what you pay
 24 for your list, what you pay for your copier, et cetera,
 25 what you pay for paper, what you pay for -- those are

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1 set costs. Right?
 2 Obviously my salary is devoted largely to
 3 voting rights. Summer's salary in part is for handling
 4 logistical issues and running litigation and SB 14
 5 generally. Lindsey, lots of our public statements are
 6 about voter ID, so lots of her content is about voter
 7 ID. Nathan does video, so I think we had some videos
 8 related to voting rights generally, so some part of his
 9 stipend. I can't estimate the paper. Rent, obviously
 10 some portion of their salaries is devoted to that, and
 11 we've had meetings about voter ID at MALC. Obviously
 12 it's related in some way.
 13 It's very difficult to say. I just know
 14 that we've devoted more resources than I can currently
 15 measure for you, and it's been tremendously daunting for
 16 my caucus.
 17 Q. So MALC does not have any kind of discernible
 18 or tangible measure for the exact percentage of its
 19 resources that have been diverted towards SB 14-related
 20 activities. Is that right?
 21 A. I don't think that's fair. I think that it's
 22 really difficult to untwine employment. Right? I do a
 23 lot of things for MALC. So does Summer. And there are
 24 hills and valleys in terms of what you're focusing on.
 25 What I can speak to is that the last --

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1 since fall of 2011, and since the implementation of
 2 SB 14, I guess last year, since the vacation -- I guess
 3 that would be 2012 -- no. 2013. I'm sorry -- there's
 4 been a tremendous amount of focus, time, and some money
 5 devoted to educating our members, their constituents
 6 about this issue. Just because I can't give you a
 7 percentage today like 65 percent, what would that mean
 8 other than what you can measure? I mean, how do you
 9 measure staff time?
 10 Q. Let me ask you more broadly.
 11 A. Please.
 12 Q. Let's picture a pie chart. A circle graph
 13 that's divided up, and this graph depicts, you know, how
 14 much -- how many resources are devoted to X activity,
 15 how many resources are devoted towards Y activity,
 16 et cetera.
 17 If we were looking at this pie chart for
 18 the resources of MALC, how big would the slice be that's
 19 devoted towards SB 14-related activities? Without
 20 putting a specific percentage on it, just roughly how
 21 big would it be?
 22 MS. RUDD: Objection; calls for
 23 speculation.
 24 A. Probably a third, maybe more, maybe less.
 25 It's larger for voting rights generally. It's probably

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1 two-thirds, maybe 75 percent for voting rights
 2 generally. And they're all related in my mind.
 3 Again, I don't know what -- how good a
 4 predictor it is, but -- or a pie chart would be, but
 5 some portion of my salary of the last month has been
 6 dedicated to talking to legislators about legislative
 7 privilege and what documents they have to turn over.
 8 That's been really intense the last four weeks, lots of
 9 questions, lots of concern on the staff. So recently
 10 there has been, you know, a real big hill. There may
 11 have been a valley sometime after our intervention. I
 12 guess it's really hard to say.

13 Q. (By Mr. Tatum) What did that hill look like
 14 when MALC filed its complaint on September 17th, 2013?
 15 MS. RUDD: Objection; calls for
 16 speculation.

17 A. We spent a lot of time preparing for the
 18 intervention, about our public statements. Trey takes
 19 his public statements on MALC very seriously. We spent
 20 some time talking about what kind of travel it might
 21 require to go to Corpus. We spent some time talking
 22 about what Mr. Garza's role would be and what my role
 23 would be and devoted salary to that goal -- or money,
 24 frankly.

25 So not quite the hill it's been the last

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1 lost a staffer to the TDP last fall in part because we
 2 couldn't pay him what he was worth.
 3 I left state employment in part because I
 4 wanted to create budgetary space for us to not lose
 5 people. That's part of the reason I left, because you
 6 can kind of have a hybrid employment between the caucus
 7 and trades a capital staff. Right?
 8 And so I think that our financial
 9 troubles have been exacerbated by our voter education
 10 efforts and our efforts involving SB 14.

11 Q. I think you mentioned earlier that MALC has
 12 four staff employees. Is that correct?
 13 A. Counting myself, and I'm not sure you can call
 14 me an employee, necessarily, because I don't get a W-2
 15 from them, but I think that's right.

16 Q. Okay.

17 A. We have one part-time employee, one -- and two
 18 full-timers, and me, and then I think we have -- I think
 19 they're actually interns, whom I haven't met yet, but
 20 we've got some interns.

21 Q. So that's current number of employees?
 22 A. Current. Current.

23 Q. How many employees did MALC have before they
 24 joined this lawsuit?
 25 A. Five plus an intern right before -- you mean

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1 four weeks in terms of document production, but -- in
 2 terms of max effort, but it was a moderate hill,
 3 certainly, right, so...

4 Q. (By Mr. Tatum) Can you specify what
 5 particular activities that fall under the core mission
 6 of MALC have had to be set aside because of MALC's
 7 devoted attention to SB 14-related activities?
 8 A. Ideas aren't one to one. It's a zero sum
 9 game, largely. But I can say that specifically our
 10 focus the last four weeks in trying to get these
 11 documents out and trying to prepare for litigations,
 12 generally, has prevented us from taking a more -- a
 13 deeper policy look at this UAC problem on the border. I
 14 discussed before how voter education efforts have taken
 15 away from Trey's vision for MALC, which is to have a
 16 more comprehensive and meaningful Latino policy in all
 17 sectors.

18 Our goal was to have no issue be
 19 considered a non-Latino issue. Every issue should have
 20 a Latino focus or Latino facet to it. And so our policy
 21 development operation has been relatively sapped because
 22 of our entry in this lawsuit.

23 We've lost a lot of staff because we
 24 couldn't afford to pay them because of our voter
 25 education efforts and our litigations, generally. We

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1 like September of 2013. Right?
 2 Q. Yes.
 3 A. Five.
 4 Q. And now you have four?
 5 A. Correct. We lost somebody who was deeply
 6 talented, a tremendous asset. I miss him every day.

7 Q. When you say you left state employment to
 8 create budgetary space --
 9 A. In part.
 10 Q. In part.
 11 A. Yeah.

12 Q. Does your salary attributable to your work as
 13 a state employee -- does that come out of MALC's budget?
 14 A. No. It comes from -- I'm not a state employee
 15 anymore, but when I was a state employee, the salary
 16 came from the state, so...

17 Q. And was it not your testimony that you left or
 18 you reduced your role with the state to create budgetary
 19 space for MALC?
 20 A. Yes. The Housekeeping Resolution considers
 21 dual employment -- state employees can serve outside of
 22 state employment with the permission of the member,
 23 which includes caucus employment. And the Housekeeping
 24 Resolution also says you can use caucus equipment -- or
 25 state equipment for caucus-related activities, as long

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1 as -- under certain parameters. So it contemplates dual
2 employment with a legislative caucus. Right? There was
3 a time when that wasn't true, but that changed in I
4 guess '07, I believe.

5 Anyways, my goal was to in part leave
6 state employment to create space that we could -- you
7 know, I made about \$4,200 a month from the state, and if
8 we could somehow shift my salary to Summer, that would
9 create \$4,000 roughly for MALC to have more money to
10 make ends meet. Like I said -- and I would appreciate
11 it if this wasn't publicized, but we have tremendous
12 budgetary constraints right now because of this effort.

13 Q. You mentioned the chairman's goal or vision
14 for MALC which he kind of formulated when he came on in
15 2008?

16 A. Correct.

17 Q. Do you think it's still possible for MALC to
18 achieve that goal or vision?

19 A. God, I hope so. I really do hope that we can
20 do that. I hope that we can put this stuff behind us
21 and reach finality, enjoin this lawsuit, get the Texas
22 bill done appropriately, because of their actions, and
23 then focus on the session and try to make things better.
24 I hope we can do that.

25 Q. Does MALC believe that SB 14 makes it

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1 with an impermissible purpose. I think the obvious
2 choice is that they enacted this lawsuit with a
3 discriminatory purpose.

4 Q. Does MALC contend that the legislature
5 intended to harm any minority group by enacting SB 14?

6 A. Yes.

7 Q. Has MALC conducted any studies, reports,
8 audits, estimates, projections or anything like that on
9 the effect of SB 14 on minority voters or on voters who
10 are members of a language minority group?

11 MS. RUDD: Objection; compound.

12 A. I think that Representative Anchia did
13 something like that as a MALC member, and that would
14 have been given to you guys in our first tranche of
15 documents. And I think that during the Section 5 trial,
16 I think we had an expert report -- I think that's true.
17 But that's the sum total, I think, of our expert
18 analysis on this point, so...

19 Q. (By Mr. Tatum) Does MALC contend that any
20 legislator who voted for SB 14 did so with a
21 discriminatory purpose?

22 A. Yes.

23 Q. Can MALC identify any specific legislators who
24 voted for SB 14 who did so with a discriminatory
25 purpose?

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1 impossible for MALC to fulfill its goal and mission?

2 A. It's been very difficult. Impossible, I
3 think is -- I think that's an extraordinary standard,
4 because there's -- it's been my experience that Summer
5 Luciano and my boss can do anything, and I mean that
6 without hyperbole, but -- and the members of MALC are
7 deeply talented people, and I think the world of their
8 efforts, all of our members. But it's been my
9 experience that we can't do what Trey wanted to do
10 because of this litigation, and that's problematic to
11 me.

12 Q. Does MALC contend that SB 14 was enacted with
13 a discriminatory purpose?

14 A. Absolutely.

15 Q. What is that based on?

16 A. Our belief is that the sum of the legislators
17 who sought the enactment did so with an impermissible
18 purpose. It's based on our knowledge of legislative
19 procedure. There were many deviations from normal
20 procedure in the enactment of the law. There are also
21 straight comments from people advocating for the law and
22 straight comments from legislators throughout the course
23 of it that were -- I think belied an impermissible
24 purpose. I think that they were -- either the
25 legislators were completely irrational or they voted

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1 A. I think that's a difficult -- more difficult
2 question, because legislative intent is I think a
3 multifaceted kind of deal. Arlington Heights talks
4 about the ways in which you can infer legislative
5 intent. And I think it's important to know that because
6 legislative intent includes not only the intent of
7 legislators but their staffs and maybe their
8 constituents whom they're advocating on behalf for.
9 It's a much more deep proposition than a binary is this
10 person a racist or not.

11 I can't point to anybody who I think did
12 so impermissibly, but I do believe that they did so
13 because it's -- either they acted irrationally or they
14 had an impermissible purpose, which I think is far more
15 likely.

16 Q. Did any members of MALC vote for SB 14?

17 A. Yes.

18 Q. Do you know which ones?

19 A. Joe Pickett did, I think. I think that Jose
20 Aliseda did when he was a member. John Garza did.
21 Larry Gonzalez did. I don't think Aaron Pena did. I
22 could be wrong, though. He may have, but I don't think
23 so.

24 Q. Does MALC contend that any of its members who
25 voted for SB 14 did so with discriminatory intent?

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1 A. I don't know. Like I said, I couldn't point
2 to a specific member and how they felt, what they
3 felt internally. I just know -- I know there's
4 been generally -- Raul Torres I think voted for voter ID
5 as well. I know them generally as good people. Larry
6 Gonzalez is an exceptional person. He was a great
7 staffer. Raul Torres was one of the kindest people I've
8 ever met in the Legislature. John Garza is a very nice
9 man. I actually hit his car with my car once, and he
10 was very kind about it, like super kind. Jose Aliseda
11 is super cool. He's a pilot and he has a scuba license,
12 which is really neat.
13 Anyways, my point is I know these guys
14 personally, and I can't believe that they would, but I
15 also don't know what's in their hearts, and I don't
16 think it's also the point of legislative intent. It's
17 not that they're -- it could be that they're deeply held
18 racists and they voted for it because they're racist.
19 That's possible. I don't think so. But it's also
20 possible that they did so with a still impermissible
21 purpose because they were advocating on behalf of
22 racists or they sought a racist law because they thought
23 it made sense pragmatically. Anyways, I guess what I'm
24 saying is I don't know what's in their heart, but it's
25 possible, but I doubt it.

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1 the rules to have a specific carve-out for voter ID. So
2 that's one full change right there. And so it left the
3 Senate finally -- there was a Senate bill that came
4 over -- and the House members used their procedural
5 tactics to kill the bill. That was the chubathon we
6 talked about earlier.
7 Fast-forward to 2011, there was a new
8 rule dealing with extended debate on the local calendar.
9 There was a new rule about -- or the same rule about the
10 two-thirds rule. So two deviations from normal
11 procedure, and there was a creation of a fast-track
12 committee in the House and a committee as a whole in the
13 Senate. All of those things are deviations from normal
14 procedure for bills like this.
15 I think it would be a deviation from
16 normal procedure to not listen to minority advocates. I
17 can only look at my time in the leg when I've tried to
18 help pass a bill that I thought they were rational
19 bills, and when someone -- when my boss presents a bill
20 in committee and someone comes up and says, "We don't
21 think this bill is a good idea," that bill doesn't go
22 anywhere. Right? It gets stymied. It gets absolutely
23 stopped until we solve that issue.
24 The legislative process is a process in
25 answering objections. And every objection that was --

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1 Q. You mentioned that the -- or you testified
2 earlier that the Legislature acted outside of normal
3 legislative procedures in enacting SB 14. Is that
4 correct?
5 A. Yes, sir.
6 Q. In what ways did the Legislature act outside
7 of its normal legislative procedures in enacting SB 14?
8 A. It's a long answer, so I'll have to be fairly
9 narrative in this.
10 Q. Just give me specific examples.
11 A. Okay. In 2005, the first bill came up that I
12 recall -- it was my first session in the Legislature --
13 and it passed the House with some consternation, and
14 then it died in the Senate on a two-thirds vote. 12
15 Senators or 11 Senators got together saying, "We will
16 not vote for this bill," and it died.
17 And then in 2007, a similar bill came up,
18 more restrictive. It was the Betty Brown Bill, if I
19 recall correctly. And Betty Brown said in committee --
20 I think something that I think is at least bigoted,
21 possibly prejudicial, maybe racist to Asian-Americans in
22 the course of considering this bill. And then that bill
23 got passed by the House, and then died in a two-thirds
24 vote in the Senate again.
25 In the 2009 session, the Senate changed

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1 even small objections were virtually denied and moved
2 forward, because the bill had to get passed and passed
3 quickly.
4 All those things I think are deviations
5 from normal procedure. There are others I could
6 probably think of. There is a constitutional problem
7 with the bill. The bill was stolen from the Texas
8 Mobility Fund to pay for TIC, that way it had a free ID.
9 And Trey brought a point of order saying that was
10 unconstitutional. That was an A priority jurisdictional
11 issue. The bill shouldn't be allowed to move forward
12 until it was solved. They went forward anyway, passed
13 the bill, and it was solved in conference committee
14 through an outside the bounds resolution, which is
15 atypical I would say of a deviation from normal
16 procedure for a bill of this type.
17 I mean, the one thing I love about the
18 Texas Legislature is that there's a lot of bipartisan
19 cooperation, and this bill had none of that. And there
20 was no listening to minorities or even, you know, just
21 rational objections to the bill. That's outside the --
22 deviation from normal procedure. And I'm trying to
23 think if there's any others I can think of right
24 offhand.
25 Q. Let's deal with what you've testified to at

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1 this point.

2 A. Sure. Go ahead.

3 Q. With regard to the rule changes that you
4 mentioned, with regard to the outside the bounds
5 resolution, and with regard to any other ways that the
6 Legislature deviated from normal procedures as you've
7 testified to, is it MALC's position that the Legislature
8 acted outside the bounds of its authority in making any
9 of these rule changes?

10 A. I think that if it had enacted the bill as
11 written in the House version of the bill it would have
12 been outside the authority. And it's a small point.
13 The Texas Mobility Fund says you can't rob from it
14 unless you ruin the full faith and credit of -- it's a
15 Texas Constitutional dictate. Arguably the Legislature
16 can't pass something that's unconstitutional, arguably,
17 and so in that sense it's possible that that was outside
18 the authority.

19 Other than that, the legislative
20 authority is prescribed by the House rules, so anything
21 that was outside of the rules I think was probably
22 outside the authority of the House. But I have a
23 restrictive view of the rules, frankly. And the Texas
24 Constitution outlines what the authority and the duty of
25 the House is.

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1 procedures that the Senate employed with regard to SB 14
2 in pushing any of their bills through the House?

3 A. So I just want to make sure I understand the
4 question.

5 Q. Sure.

6 A. This is actually -- this is what I do for a
7 living, so I'm picayune about certain things. There are
8 provisions in the House rules to have a committee as a
9 whole -- it's very rare. MALC has never done that to
10 pass a bill.

11 There is something called a special order
12 under Rule 8 where you can, under certain parameters, do
13 a special order to bring a bill out of calendars, bring
14 a bill out of committee. I can't recall if that's ever
15 happened. I think Chairman Gallego did a special order
16 on a Betty Brown Bill in 2007, if I recall correctly.
17 That was a bill that died on local calendar but had been
18 brought up by order to pass it essentially in the spirit
19 of comity. But I think that's substantially different
20 than -- that's a specific rule provision. There's no
21 carve-out for the rules, no back door for any MALC
22 member policy, I don't think.

23 Q. So does MALC believe that any of the
24 Legislature's alleged deviations from normal
25 procedures -- does MALC contend that any of those

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1 I don't think that the bill violated the
2 presentment clause, if that's what you're asking, so...

3 Q. It's part of what I'm asking.

4 A. Yes, sir.

5 Q. So, for instance, take the rule changes with
6 regards to the two-thirds vote that you testified
7 earlier to. Correct?

8 A. Yes, sir.

9 Q. Was that rule change duly made by the
10 Legislature?

11 A. By the Senate, yes, sir.

12 Q. Have rule changes like that happened before?

13 A. Yes. I think there was a carve-out for
14 redistricting in the '90s that got kind of grandfathered
15 in, I believe, but it's rare. And certainly a deviation
16 from normal procedure.

17 Q. Have members of MALC ever employed similar
18 procedures to assist in pushing any of their bills
19 through the House?

20 A. Specific to a Senatorial carve-out, I don't
21 think so.

22 Q. Well, not Senatorial carve-outs for House
23 bills, but --

24 A. Right. Right.

25 Q. Have members of MALC ever employed similar

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1 deviations were made illegally?

2 A. And by "illegal," you mean outside the bounds
3 of the Texas Constitution?

4 Q. In violation of the Texas Constitution or any
5 statute or any rule governing the Legislature.

6 A. I'm trying to think. If I recall correctly --
7 and this may not have been the voter ID bill, but there
8 was a bill that had a formal meeting, which was -- it's
9 a public meeting, but it's just -- you don't consider
10 public testimony, and it's basically used to vote out
11 bills. And there was a time in which it was used that
12 was at 10:00 p.m., it was on the House floor and the
13 House had shut down, so people couldn't go to the public
14 meeting -- and it may have been on this bill -- maybe it
15 wasn't. Maybe it was on the redistricting bill.

16 Anyways, that is an inspirit violation of the House
17 rules. Right? But is it an actual violation? I doubt
18 it.

19 I guess when you say "illegal" --
20 deviations from normal procedure don't imply illegality
21 to me. There are deviations from the way things
22 normally go. And big bills have a certain prescribed
23 kind of trope by which they go through, and this bill
24 didn't do that. This bill hit the gas pedal from the
25 very beginning and was in and out of the House very

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1 quickly. It came over from the Senate before we had
2 even formed committees. That's how quick it got here.
3 And it was done that -- that was done so that there
4 could be no procedural tactics to delay the bill in
5 trying to prevent its passage. I mean, that's obvious.

6 Q. Is your contention that those deviations --
7 let me retract that.

8 Did MALC as an organization oppose SB 14?

9 A. I think so. And by -- I don't mean to -- I
10 don't mean to kind of be wishy-washy about it. I think
11 that we had a public statement about it. I think Trey
12 had public statements about it. So I think as an
13 organization we were against it, which was rare, by the
14 way, to say we're against a bill. So I think we did
15 based on my recollection, but I'm not exactly 100
16 percent certain that we had one, so...

17 Q. Did MALC as an organization provide testimony
18 during the consideration of SB 14?

19 A. Members can't provide testimony. When MALC
20 has offered testimony it's been through Mr. Garza, and
21 Mr. Garza at that time, in 2011, was not hired to advise
22 us on voter ID.

23 Q. So what was Mr. Garza's capacity with MALC in
24 2011?

25 A. He had been hired for redistricting counsel,

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1 litigation?

2 A. I think they have. If they haven't,
3 I'll -- if I have them, I'll give them to you. I mean,
4 it's probably work product, but I'll do what I can for
5 you.

6 Q. Did MALC write or draft any articles or
7 opinion pieces regarding its opposition to SB 14?

8 A. Trey has done several op-eds about voting
9 rights generally, mostly focused on redistricting. I
10 think those have been given to you, I think. And so if
11 they had mentioned voter ID, and they probably did, at
12 least a sentence or two in each of them. So the answer
13 is yes, generally, but I can't remember one solely
14 dedicated to voter ID, although there may have been one,
15 so -- but they would have come through his voice as
16 chairman of MALC, attributed to him.

17 Q. Did MALC meet with any other organizations to
18 organize an opposition to SB 14?

19 A. During what time period?

20 Q. During -- while SB 14 was being considered?

21 A. Manny may have met with LULAC or members of
22 LULAC.

23 Q. I'm sorry. Who is Manny?

24 A. He's the guy who left in December. He's my
25 former employee and coworker.

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1 so...

2 Q. Did MALC provide written talking points to its
3 members or staff regarding SB 14 during its
4 consideration in the legislature?

5 A. For some members, I believe so. I think that
6 the informal process as you formulate amendments and
7 write talking points for those amendments for members,
8 and then they kind of get distributed in certain ways.
9 It's been three years now, so I can't remember whom
10 besides my boss did I write talking points for, but I'm
11 sure that I did. I'm sure that we did help many members
12 with their amendments, but I can't recall the actual
13 specifics. So generally, yes, but specifically I'm not
14 sure.

15 Q. Would it have been your job to draft those
16 talking points?

17 A. In part. Me and Manny.

18 Q. But you don't recall drafting any specific
19 ones?

20 A. I did. I certainly drafted some for Trey.
21 That's certainly true. Whether or not he gave an
22 amendment to someone on the floor with my talking
23 points, I can't remember, so...

24 Q. Do you know if those documents containing
25 those talking points have been produced in this

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1 Q. What's his full name?

2 A. Emmanuel Garcia. And he may have met with
3 MALDEF, or I may have spoken to MALDEF, too. But these
4 were three years ago. Sometimes Latino organizations
5 will call MALC up and ask about it, and so Manny may
6 have met with them. And I'm certain I talked to Luis
7 about it when he was at MALDEF, so I'm sure I spoke with
8 Luis about it. So in that sense, MALC met with MALDEF
9 during the consideration thereof. That's all I can
10 recall at this time.

11 Q. Were any materials or documents of any kind
12 produced as a result of these meetings?

13 A. Possibly. It would be uncommon for us to
14 write up notes from a meeting. I don't do that as part
15 of my practice, but they may have handed me a one-pager.
16 And if we have it in our possession, if it survived the
17 session, it would have been given to you in the
18 Section 5 trial and this one if we had it, so...

19 Q. Did MALC conduct voter ID status conferences
20 during the 2011 Legislature regarding the consideration
21 of SB 14?

22 A. What do you mean by status conference, just so
23 I'm clear?

24 Q. I believe it was mentioned in one of the
25 documents that was produced -- it referenced a voter ID

<p style="text-align: right;">102</p> <p>1 status conference, which I can only assume means some 2 kind of regular meeting to discuss voter ID bills. 3 A. It is possible that there was a MALC meeting. 4 2011, again, was three years ago. I'm trying to 5 remember. We had two or three or four MALC meetings, 6 some of which were related, one of which may have been 7 voter ID related -- one. But I don't recall specifics. 8 A status conference, to me, sounds like a 9 conference with the Court, frankly, and I don't think 10 that's -- I don't recall talking to our members about 11 that, you know, so... 12 Q. Did MALC draft or propose or research or 13 request any amendments to SB 14 while it was being 14 considered? 15 A. Surely. 16 Q. Who would be in charge of drafting such 17 amendments? 18 A. TLC. I'd call them up and say, "I would like 19 these amendments for my boss or for my caucus." 20 Q. And how would MALC decide on what amendments 21 it wanted to make? 22 A. You know, it's a really informal process, 23 generally, because you're very time-constrained, and 24 there were significant time constraints with this bill. 25 And so you kind of go back to what you used to do and</p>	<p style="text-align: right;">104</p> <p>1 member who proposed a bill proposed something or voted 2 for something, and there was lots of amendments we think 3 would ameliorate -- you look back in hindsight, could I 4 have done a different amendment that would make a better 5 argument. I could probably think of several that I 6 would want to do now. But at the time, I think I 7 remember being satisfied that we had fought a good 8 fight, so... 9 Q. Do any members of MALC believe that they were 10 not given ample opportunity -- sorry. Let me back up. 11 Do any members of MALC who opposed SB 14 12 believe that they were not given ample opportunity to 13 voice their opposition to the bill while it was being 14 considered? 15 A. I think that's probably true in the sense that 16 the committee hearing itself lasted -- I think it was 20 17 hours. It was kind of a marathon committee hearing, 18 which is not always the case, but sometimes the case. 19 And it was a real perfunctory meeting in the sense that 20 it was like witness, witness, witness. It was just kind 21 of going through the motions. 22 Rolando Gutierrez is a close friend of 23 mine and a close friend of the representatives was on 24 that committee, and he described it as a sham process. 25 And so in that sense, I think that no amount of time</p>
<p style="text-align: right;">103</p> <p>1 try to think about it. You brainstorm a little bit. 2 And if you get any idea on a bill like this, you kind of 3 throw it into TLC to have them draft it so you can get a 4 picture of it. Because your bosses won't respond until 5 they can read it, honestly. That's how legislators 6 work. And so you just overdraft, draft as many as you 7 could, and see if you can't get authors for them, your 8 boss or have your boss do it. 9 And so informally is the answer to your 10 question. 11 Q. So is that process of proposing amendments -- 12 is that typically a pretty rushed procedure or pretty 13 fast-paced procedure? 14 A. Largely, especially on this bill. We had to 15 reset with this bill, because I think Armando Martinez 16 appointed it on a Rule 4, Section 32(c). So there was, 17 like, a two-day reset. So there was some lag time where 18 you can kind of catch your breath between the two days, 19 but there was still a lot of time, and there was a lot 20 of pressure to pass the bill, a lot of pressure to 21 defeat the bill, you know. 22 Q. Did MALC feel like it was able to present all 23 the amendments that it wanted to with regard to SB 14? 24 A. You know, I can't speak specifically to each 25 MALC member, but I think that every -- almost every MALC</p>	<p style="text-align: right;">105</p> <p>1 that was allotted could have, you know, represented the 2 complete opposition of the bill. So the answer to your 3 question is probably yes, so... 4 Q. Did MALC as an organization undertake any 5 efforts to prevent SB 14 from being passed? 6 A. Yes. 7 Q. And what were those efforts? 8 A. Questions of order, trying to get people to 9 vote no, forming coalitions with other legislators to 10 try to get them to vote no, trying to get people to 11 voice their opposition, you know, getting quality 12 testimony to try to, you know, figure that out. 13 Q. Did MALC employ tactics that were meant to 14 slow down or delay consideration of the bill? 15 A. During which session? 16 Q. 2011. 17 A. I'm sorry. 18 Q. All these questions I'm asking you right now 19 are within the timeframe of the 2011 Legislature during 20 which SB 14 was being considered. 21 A. I don't think that they had those options 22 available to them in 2011 because of the rule change, 23 and the -- I mean, Representative Martinez -- Mando 24 Martinez pointed the bill, so in that sense that delayed 25 it for I think 48 hours, roughly. So in a sense,</p>

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1 literally the answer is yes, but I don't know -- the
 2 same panoply of tactical options was not available to
 3 MALC members in 2011 that were available for them in
 4 2009. So generally the answer would be no.

5 Q. Did MALC use all tactics at its disposal to
 6 delay or defeat SB 14?

7 A. No. I mean, quorum-busting is always an
 8 option. In 2011, probably not. But you could have
 9 tried to do it. You could have had an informal or
 10 formal quorum bust, and that would delay the passage of
 11 all bills theoretically. I don't think it was a real
 12 tactical option at the time because of the time in
 13 session in which the bill had come up. But we didn't do
 14 everything we could have done. Theoretically, we could
 15 have had a suicidal quorum bust, but --

16 MR. TATUM: How are we doing?

17 THE WITNESS: I'm square. Mr. Whitley?

18 MR. WHITLEY: Oh, I'm fine.

19 Q. (By Mr. Tatum) Do you recall Senate Bill 362
 20 proposed during the 2009 Legislature?

21 A. Mr. Fraser, yes, I remember the bill.

22 Q. What was that bill about?

23 A. It was a voter identification bill.

24 Q. Did MALC oppose that bill?

25 A. I believe so. Members of MALC certainly did.

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1 Q. It's quite descriptive.

2 A. Yeah.

3 Q. Do you know if MALC expended more or less
 4 resources opposing SB 362 than it did opposing SB 14?

5 A. Less, because SB 14 has extenuated for years
 6 now. Right? 362 was limited just to the session.
 7 SB 14 has been an ongoing problem since 2011.

8 Q. Does MALC support the idea that only
 9 registered voters should be allowed to vote?

10 A. I think so. And I don't mean to equivocate.

11 I think there's a reason -- I think registration --
 12 there's been several bills that have been filed by MALC
 13 members I think over the years to reconsider how we
 14 register voters. So generally, yes, but specifically
 15 they eat away at what registration actually means. So I
 16 don't mean to be picayune. I just want to be clear.

17 Q. So does MALC believe that a nonregistered
 18 voter should be allowed to vote?

19 A. No, I don't think so. But again, the notion
 20 of registration itself is something that's open to
 21 legislative amendment and change. Right? There are
 22 some MALC members who wanted to get rid of -- I think
 23 that there may be some MALC members who would be willing
 24 to get rid of registration if it -- and use some other
 25 form of proving up whether this person should be allowed

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1 I don't remember if MALC itself had a statement at the
 2 time in 2009, but most members did oppose the bill.

3 Q. I'm sorry. You don't believe that MALC had a
 4 statement?

5 A. You said when MALC had a -- had a public
 6 statement saying, "We oppose SB 362." I can't recall if
 7 we had done that then, but most members opposed that
 8 bill.

9 Q. Did MALC engage in the same kind of tactical
 10 efforts during the consideration of SB 362 that it did
 11 with regard to SB 14?

12 A. SB 362 never reached the House floor because
 13 of the chubathon, so it wasn't the same tactical
 14 efforts. We didn't have amendments to SB 362. We
 15 didn't have points of order or questions. It was just
 16 delayed from consideration because of the extenuation of
 17 the local calendar.

18 Q. So it didn't have to engage in the same kind
 19 of activities with regard to SB 362 that it did with
 20 SB 14 because it successfully defeated the bill through
 21 the chubathon?

22 A. Correct.

23 Q. Is that what it's called, the chubathon?

24 A. Lots of people have different words for it. I
 25 think that's the most descriptive, so...

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1 to vote. That may be an idea that could kind of get
 2 some hold among MALC members, but I would say that
 3 MALC's position is we support voter registration,
 4 generally. And there may be better ways to do
 5 registration, too. Right? You could do it online. You
 6 could do it lots of different ways. Which kind of
 7 changes the question a little bit, but I know what
 8 you're saying, so...

9 Q. Let's just frame it this way. Under the
 10 current statutory scheme regarding voter registration,
 11 does MALC believe that only registered voters should be
 12 allowed to vote?

13 A. We should follow the law as it stands.

14 Q. Does MALC believe that Texas should make sure
 15 that people attempting to vote are registered voters?

16 A. Yes.

17 Q. Does MALC believe that Texas should make sure
 18 that people do not vote or attempt to vote in the name
 19 of another person?

20 A. Yes.

21 Q. Does MALC acknowledge that voter fraud exists?

22 A. Voter fraud generally?

23 Q. Yes.

24 A. Yes.

25 Q. Does MALC acknowledge that voter fraud exists

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1 in Texas?

2 A. Yes.

3 Q. Has any member of MALC ever communicated any
4 allegation or concern to MALC relating to voter fraud?

5 A. To MALC? I'm trying to think. Representative
6 Pena and Representative Aliseda talked about voter fraud
7 a great deal in 2011. They may have made -- they never
8 sent us a letter or anything. I don't know if they
9 talked to Trey about it. But I'm aware of those MALC
10 member concerns about voter fraud. And Representative
11 Pena was deeply concerned about mail-in ballot fraud
12 specifically, and I think that's a real problem is
13 mail-in ballot fraud.

14 Q. When --

15 A. One --

16 Q. Sorry.

17 A. I'm sorry. One not solved by SB 14,
18 incidentally, so...

19 Q. Did any of those members express any concerns
20 related to in-person voter fraud?

21 A. I think Jose Aliseda may have. He and my boss
22 had an interview in which they talked about SB 14 for
23 the -- I believe it was the Tribune at the time, and he
24 may have communicated those concerns, certainly in the
25 interview and elsewhere, so...

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1 it's broad enough to incorporate things that are outside
2 of the realm of in-person voter fraud.

3 THE WITNESS: It would have to be
4 because --

5 MS. RUDD: So it's Exhibit 1.

6 A. Okay.

7 Q. (By Mr. Tatum) It's on Page 5 there. Please
8 take a minute and review the terms "election crimes" and
9 "voter fraud."

10 A. That's how I understood it. I mean, that's a
11 general term. That is not just in-person voter
12 impersonation. That includes mail-in ballot fraud,
13 other kinds of more prevalent -- possible electronic
14 fraud that was included in that. That's a broader
15 category than just in-person voter fraud.

16 Q. Okay. So I'll ask again: Has any member of
17 MALC ever communicated any allegation or concern to MALC
18 related to voter fraud?

19 A. Surely. I'm trying to think. Aaron Pena
20 talked about mail-in ballot fraud a great deal, and he
21 was on the elections committee. I think other people
22 have talked about the changes we made to voter
23 registration in 2011 and how that has caused certain of
24 their constituents to be in trouble. I can't remember
25 the names of the constituents or the member, but I know

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1 Q. And what were those concerns?

2 A. I think he believed that in-person
3 impersonation was a larger problem than it actually was.
4 He may have said that if I recall correctly. Again,
5 it's been three years, and it was a stray interview that
6 I barely recall, but --

7 Q. Has any member of MALC ever communicated any
8 allegation or concern to MALC relating to election
9 crimes?

10 A. Surely.

11 Q. Can you identify any member of MALC who has
12 communicated an allegation or concern related to
13 election crimes?

14 MS. RUDD: Just let me -- I want to
15 clarify just for the record, Stephen, that when you
16 refer to voter fraud and election crimes, you're
17 referring to those notions as defined in your notice of
18 deposition. Is that correct?

19 MR. TATUM: That's correct.

20 MR. RUDD: Okay.

21 A. Does that include other crimes other than
22 in-person voter --

23 Q. (By Mr. Tatum) If you would like to take a
24 minute and review the definitions.

25 MS. RUDD: I would say yes. I would say

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1 that I remember them talking about that.

2 I have personal knowledge in my past days
3 as an election lawyer about certain election crimes in
4 the cases that I've been involved in -- or what I
5 thought were election crimes at the time. So, yes,
6 generally.

7 Q. Do you have any experience in your time as an
8 election lawyer with in-person voter fraud?

9 A. None.

10 Q. None whatsoever?

11 A. None whatsoever. It's all been voter fraud in
12 the sense that mail-in ballot fraud or alleged massive
13 internal electronic corruption from one of the election
14 officials themselves.

15 Q. Has any member of MALC ever communicated any
16 allegation or concern to MALC relating to in-person
17 voter fraud?

18 A. Other than Mr. Aliseda?

19 Q. Yes.

20 A. I don't believe so.

21 Q. Is it true that MALC has never conducted any
22 calculation, report, audit, estimate, projection, or
23 other analysis relating to voter fraud?

24 MS. RUDD: Objection; compound, vague.

25 Q. (By Mr. Tatum) And just for reference, I'm

<p style="text-align: right;">114</p> <p>1 referring to MALC's objections to the rule 30(b)(6) 2 notice, and this question is based on those objections. 3 A. Okay. 4 Q. Specifically to topics, I believe, 25 and 26. 5 A. I'm trying to think. Could you say it again? 6 Q. Sure. 7 A. I lost it. 8 Q. Sure. Is it true that MALC has never 9 conducted any calculation, report, audit, estimate, 10 projection, or other analyses relating to voter fraud? 11 MS. RUDD: Same objection. 12 A. I don't think that's true. I think that 13 Trey -- there was a time in which during the Section 5 14 trial Mr. Rosenberg questioned the -- the -- or 15 Mr. Forest, I think is his name. He's a Texas Ranger, 16 inspector for y'all -- about voter fraud in person, and 17 he went through the -- I guess the five known cases of 18 in-person voter impersonation and went through how there 19 were indictments for several of them and how SB 14 may 20 not have been able to prevent those things. So in that 21 sense -- and Trey has repeated that line and repeated 22 that analysis. So now, since we've done a -- a surface 23 analysis of in-person voter fraud from the trial -- so 24 that's my answer, I think. 25 Q. (By Mr. Tatum) Has MALC ever commissioned or</p>	<p style="text-align: right;">116</p> <p>1 impersonation and how much was election worker error or 2 malfeasance, how much was mail-in ballot fraud, how much 3 was just crazy people, you know, so... 4 Q. Does MALC believe that voter fraud should be 5 illegal? 6 A. Yes. 7 Q. Do you think -- does MALC believe that SB 14 8 deters voter fraud? 9 A. No. 10 Q. Why not? 11 A. In-person voter impersonation is so rare that 12 in the known cases that we know about, I think SB 14 13 would have prevented only one of them. 14 And so if you go back to the cases and 15 the number of votes over time that -- so in 2010 and 16 2012, there were something like 13 million votes cast in 17 various elections. Right? And over that same time 18 period, there was only four known voter impersonation 19 attempts and only -- I think only one indictment, I 20 think. I may be getting the numbers slightly wrong. 21 And in that one, I think it was a father voting for his 22 son in Fort Worth. And they had the same name, and I'm 23 not sure the ID would have caught that unless the 24 election worker looked at the date of birth, which maybe 25 they wouldn't have -- anyway, my point is that if SB 14</p>
<p style="text-align: right;">115</p> <p>1 possessed any calculation, report, audit, estimate, 2 projection, or other analyses related to voter fraud? 3 A. Every month the AG -- or every other month -- 4 periodically, the AG will have -- will give 5 Representative Anchia, I guess, a table of current 6 investigations -- whatever ones of those we have in our 7 possession we gave to you already. And I had asked 8 Mr. Dire for the periodic updates, and I don't think -- 9 I think I received one or two -- I think that I did. I 10 don't recall receiving more than that. I think I turned 11 those over. But that's all I can think that's 12 responsive to that question, so... 13 Q. Is it true that MALC has never conducted any 14 calculation, report, audit, estimate, projection, or 15 other analysis related to election crimes? 16 A. Again, I think that same answer as before. 17 The voter fraud table is not limited to voter 18 impersonation. It listed all election crimes I believe 19 that were being investigated by Mr. Forrest and the AGs 20 at the time through the referral service. And so I 21 think that that's inclusive of that answer. 22 Q. But MALC has never conducted any kind of 23 report on its own? That's what I'm asking. 24 A. You know, I don't think so. I think other 25 than just to review the table and see how much was voter</p>	<p style="text-align: right;">117</p> <p>1 was targeted at that kind of crime, rare though it was, 2 in that one instance when it may have mattered, it may 3 not have mattered. It may not have been able to prevent 4 that. So in that sense, that justification is totally 5 irrational to me. 6 Q. Does MALC believe that SB 14 would prevent 7 someone from casting the vote of someone else? 8 MS. RUDD: Objection; vague. 9 A. Generally, it's possible. I think it's 10 unlikely. 11 Q. (By Mr. Tatum) Why is it unlikely? 12 A. Most people who vote in person are voting for 13 their dead dad or that they're crazy. It happened in 14 Bexar County once. This woman had, like, 13 forms of 15 ID, all with different names, and she tried to vote with 16 some of those. She had no mens rea. Right? You 17 couldn't indict her for that, because she was just 18 crazy. Right? And the known examples of in-person 19 voter impersonation that we're aware of, I don't think 20 SB 14 would have -- may not have prevented any of them. 21 So in that sense, empirically, it's not likely. 22 I also think that it's much more likely 23 to disenfranchise people far more quickly and horribly 24 than it is to prevent someone from illegally voting. 25 Q. Has any member or constituent of MALC -- let</p>

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1 me say: Has any member or constituent of a member of
 2 MALC ever expressed support for voter ID laws?
 3 A. Surely. Mr. Pickett voted for it, I believe.
 4 Mr. Aliseda voted for it. Mr. Gonzalez and Mr. Torres
 5 and Mr. Garza did. I can't remember if Mr. Pena did or
 6 not. I don't think that he did. I think he had -- I
 7 think he remained consistent with his previous position.
 8 Q. Has MALC as an organization ever supported a
 9 voter ID bill?
 10 A. I'm trying to think. I don't think so. There
 11 may have been some members who might seek a compromise
 12 that would in that sense be a voter ID bill. I think
 13 that there are certain versions of a voter ID that MALC
 14 could support or at least acquiesce to. No version of
 15 that has ever gone to the House floor, so...
 16 Q. Would MALC ever support a bill requiring a
 17 photo ID to vote?
 18 A. Certainly.
 19 MS. RUDD: Objection; calls for
 20 speculation.
 21 THE WITNESS: I apologize. I didn't mean
 22 to overstep.
 23 A. But certainly I think we could absolutely
 24 consider it if it had -- if we didn't believe it
 25 disfranchised people, and if we thought it had

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1 government-issued photo ID before they can be allowed to
 2 vote?
 3 A. That's what it says here on this exhibit. I
 4 think that I recall a poll -- references to the poll
 5 during the debate. So I think that's right.
 6 Q. Okay. Well, I represent to you that this is a
 7 graphical depiction of the results of that poll that can
 8 be found online.
 9 (Exhibit No. 4 marked)
 10 Q. (By Mr. Tatum) I'm handing you what's been
 11 marked as Exhibit 4.
 12 A. Thank you, sir.
 13 Q. I'll represent to you this is another
 14 graphical depiction of the results of that poll, this
 15 one broken down by political party. Could you tell me,
 16 looking on the left of this poll, please, what
 17 percentage of Democrats agreed with the proposition that
 18 voters should be required to present a government-issued
 19 photo ID before they can be allowed to vote?
 20 MS. RUDD: I'm just going to object to
 21 the question to the extent that it characterizes this
 22 poll as representing what Democrats believe generally.
 23 But you're welcome to interpret this graph to the extent
 24 you can.
 25 A. It says 58 percent on your graph.

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1 sufficient protections for people who were harmed, I
 2 think it's something that every member could think about
 3 getting behind.
 4 It is unlikely given the current climate
 5 of I think deeply racist beliefs, but we'll -- you know,
 6 I remain hopeful that we can reach some sort of accord.
 7 Q. (By Mr. Tatum) Does MALC believe that voter
 8 ID requirements were not popular amongst Texans when
 9 SB 14 was being considered in 2011?
 10 A. They were enormously popular, as was slavery
 11 back in 1860, so...
 12 Q. Does MALC equate SB 14 with slavery?
 13 A. No. I'm just saying that sometimes popular
 14 ideas aren't great ideas.
 15 MR. TATUM: I have a few more questions
 16 and then we can break for lunch.
 17 MS. RUDD: Perfect.
 18 (Exhibit No. 3 marked)
 19 Q. (By Mr. Tatum) Mr. Golando, I'm handing you
 20 what's been marked as Exhibit 3.
 21 Are you aware that according to a poll
 22 conducted by the Texas Tribune and University of Texas
 23 in February 2011, while SB 14 was being considered, that
 24 75 percent of registered voters agreed with the
 25 proposition that voters should have to present a

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1 Q. (By Mr. Tatum) Can you tell me what
 2 percentage of Independents agreed with that proposition?
 3 MS. RUDD: Same objection.
 4 A. 70 percent.
 5 Q. (By Mr. Tatum) So would you agree that
 6 according to the results depicted by this graph, that a
 7 majority of Democrats and Independents supported voter
 8 ID requirements in 2011?
 9 A. Again, I have certain caveats, because I'm a
 10 social sciences person. I haven't read the poll. I
 11 don't know how they conducted it. But with those
 12 caveats, what you've graphically represented to me is
 13 representative of that notion, sure.
 14 (Exhibit No. 5 marked)
 15 Q. (By Mr. Tatum) I'm handing you what's been
 16 marked as Exhibit 5. Mr. Golando, I represent to you
 17 that this is another graphical depiction of the Texas
 18 Tribune and University of Texas poll that I referenced
 19 earlier.
 20 Could you tell me by looking at this
 21 graph what percentage of African-Americans agree with
 22 the proposition that registered voters should be
 23 required to present a government-issued photo ID before
 24 they can be allowed to vote?
 25 MS. RUDD: Again, objection, calls for

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1 speculation. To the extent you want to testify about
 2 what the graph contains, that's perfectly fine.
 3 A. I think it's 63 percent; although, the
 4 gradation between the green is kind of difficult for me
 5 to determine, frankly, but I think it's 63 percent.
 6 Q. (By Mr. Tatum) I can relate. I'm kind of
 7 color blind myself. But we're looking at the middle
 8 column.
 9 A. Oh, the middle column. I see. Okay.
 10 Q. Okay. Looking at the right-hand column of
 11 that left grouping, can you tell me what percentage of
 12 Latino registered voters agreed with the proposition --
 13 or sorry -- what percentage of Latino respondents to the
 14 poll agreed with the proposition that registered voters
 15 should be required to present a government-issued photo
 16 ID before they can be allowed to vote?
 17 A. Latinos?
 18 Q. Yes.
 19 A. And when you say "agree," you mean this
 20 grouping right here? I just want to make sure we're --
 21 Q. Correct.
 22 A. 68 percent according to your graphical
 23 representation of the people responding.
 24 Q. So 68 percent of Latinos who responded to this
 25 poll agreed with the proposition. Is that correct?

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1 think that my knowledge of Legislative procedure and of
 2 legislators generally, when people have a shifting
 3 justification for their bill and when they deviate from
 4 normal procedure and try everything they can do to pass
 5 a bill over the strong objections and advocates and
 6 leaders in the minority community, that's usually
 7 because they can't see the purpose behind what they're
 8 doing, and it's usually an impermissible purpose. So
 9 it's very unlikely, but yet possible.
 10 (Exhibit No. 6 marked)
 11 Q. (By Mr. Tatum) I'm handing you what's been
 12 marked as Exhibit 6. Mr. Golando, I'll represent to you
 13 that these are the results of a similar poll also
 14 conducted by the Texas Tribune and the University of
 15 Texas, but this time conducted in October of 2012.
 16 Now, if you would, please look at this in
 17 conjunction with Exhibit 5 that I just handed you.
 18 Okay. So looking at Exhibit 5, we
 19 established earlier that 68 -- in 2011, 68 percent of
 20 Latinos agreed with the proposition that registered
 21 voters should be required to present a government-issued
 22 photo ID before they can be allowed to vote. Is that
 23 correct?
 24 MS. RUDD: According to this poll.
 25 MR. TATUM: Correct.

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1 A. That's what your -- if that's accurately
 2 represented in this graph, I can agree to that, so...
 3 Q. Okay. So based on the information that's in
 4 this graph, would you agree that the graph depicts that
 5 a majority of African-Americans and Latinos who
 6 responded to the poll supported voter ID requirements in
 7 2011?
 8 A. I guess, such that it is. I mean, again, with
 9 many caveats, but such that it is.
 10 Q. Does MALC believe that members of the Texas
 11 Legislature have a duty to represent the interests of
 12 their constituents?
 13 A. Absolutely.
 14 Q. Okay. Assuming that the data in these polls
 15 is accurate, do you think it's possible, then, that
 16 SB 14 was enacted according to the wishes of Texas
 17 citizens rather than some discriminatory or racist
 18 intent held by the legislators that enacted it?
 19 MS. RUDD: Objection; compound, calls for
 20 speculation, form.
 21 A. I think it's unlikely that that's true.
 22 Q. (By Mr. Tatum) But do you think it's
 23 possible?
 24 MS. RUDD: Same objection.
 25 A. Again, I would say anything is possible, but I

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1 A. Yes, sir.
 2 Q. (By Mr. Tatum) Okay. Looking at Exhibit 6,
 3 again conducted in 2012, can you tell me what percentage
 4 of Hispanic respondents to this poll agreed with the
 5 proposition that registered voters should be required to
 6 present a government-issued photo ID at the polls before
 7 they can be allowed to vote?
 8 A. The graph says 75 percent.
 9 Q. Okay. So would you agree that between the
 10 2011 poll and the October 2012 poll, the percentage of
 11 Latino or Hispanic respondents who responded to this
 12 poll and who agreed with the proposition increased from
 13 68 percent to 75 percent?
 14 A. I think that's true; although, I would say
 15 that margins of error for subgroupings of demographic
 16 groups in polling depends largely on the number of
 17 people polled. I don't know if that's a blip that's
 18 within in the margin of error or not, but, yes, if
 19 that's -- all factors being equal, that could be true.
 20 Q. Okay. Assuming that margins of error have
 21 been accounted for and every other possible anomaly or
 22 variable has been controlled for with these polls, do
 23 you think -- can you explain why the percentage of
 24 respondents who agreed with this proposition --
 25 percentage of Hispanic or Latino respondents who agree

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1 with this proposition, can you explain why that
 2 percentage increased between February 2011 and October
 3 2012?
 4 MS. RUDD: Objection; calls for
 5 speculation.
 6 A. I think that it could be statistical noise
 7 within the poll instrument itself. That's certainly a
 8 possibility, that it's within the blip. Margin of error
 9 can be more than 3.5 percent on either side. It can be
 10 far greater. So that's one possibility.
 11 Another possibility is that there's been
 12 a small incremental shift in Latino opinion about voter
 13 ID, at least in response to this poll over that time
 14 period. And I guess over that time period, that would
 15 include the 2012 elections, at least the primaries.
 16 This was October 2012. Right? And so there had been
 17 lots of publicizing of voter ID problems throughout the
 18 nation, and maybe Latinos didn't -- the Latinos who were
 19 polled didn't think it was a problem. I don't know.
 20 It's possible that the people who
 21 answered their phone for polling firms are
 22 representatives of Latinos generally, or that these two
 23 universes of people who are responding to these polls
 24 are substantially different.
 25 Also, the way in which you ask the

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1 or the people that they represent?
 2 Q. The people that they represent.
 3 A. Absolutely.
 4 Q. Okay. Do you know how many constituents of
 5 the members of MALC lack any of the acceptable forms of
 6 ID under SB 14?
 7 A. I recall from the Section 5 trial that there
 8 was a number that was deeply contested. The State had
 9 proffered some evidence that as many as 795,000 might
 10 not have access that's based off registration rules,
 11 people that didn't have driver's license, didn't
 12 register with Social Security cards. And so I think
 13 that was 795, and I think that our expert -- or the
 14 DOJ's expert at trial in Section 5 came up with as many
 15 as 1.8 million that didn't match the databases that he
 16 had access to.
 17 And then Dr. Shaw did a poll of that
 18 universe and got a -- it was a very poor poll. There
 19 was a very low response rate. But he determined that
 20 some portion -- I think it was like 10 or 20 percent of
 21 the 1.8 million would be affected. And so I would say a
 22 range of somewhere between 200,000 to 1.8 million Texans
 23 might be affected and some portion of Texas MALC
 24 members -- probably a higher portion than other members
 25 of the state. Because MALC members range from --

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1 question, the polling instrument itself, the order of
 2 the questioning determines certain blips. It's
 3 certainly possible, all those things could be possible,
 4 so...
 5 MR. TATUM: That's all I have right now.
 6 Would y'all like to take a break? It's ten after 12:00.
 7 MS. RUDD: Yeah. That's great.
 8 (Recess from 12:13 p.m. to 1:19 p.m.)
 9 Q. (By Mr. Tatum) Okay. Mr. Golando, you stated
 10 earlier that MALC believes that SB 14 denies or abridges
 11 the right to vote of constituents of MALC members. Is
 12 that correct?
 13 A. Yes, sir.
 14 Q. Does MALC contend that a significant portion
 15 of its constituency -- by that, I mean the constituency
 16 of its members -- lack any of the acceptable forms of ID
 17 under SB 14?
 18 MS. RUDD: Objection; vague.
 19 A. What do you mean by "significant"?
 20 Q. (By Mr. Tatum) Let me rephrase. Does MALC
 21 contend that any portion of its constituency -- by that
 22 I mean the constituency of its members -- lack any of
 23 the acceptable forms of ID under SB 14?
 24 A. Again, I'm sorry. "The constituency of its
 25 members," do you mean the members themselves lacking ID

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1 they're from all over. And we have a lot of the
 2 counties and a lot of the population.
 3 Q. Is MALC able to identify one constituent of a
 4 member of MALC that does not have any of the acceptable
 5 forms of ID under SB 14?
 6 A. The intervenors that are represented by
 7 Mr. Garza, several of them are affected people. I
 8 believe that some of them are from Nueces County, and I
 9 think they're represented by Able Herrero if I
 10 recall correctly.
 11 Q. And is Mr. Guerrero a member of MALC?
 12 A. Mr. Herrero? Yes.
 13 Q. Whoever you just --
 14 A. I'm sorry. Yeah, Mr. Herrero is a member of
 15 MALC.
 16 Q. Okay.
 17 A. He's former vice chairman. He's current
 18 chairman of the Criminal Justice Committee in the House.
 19 Q. Is MALC able to identify any constituents of
 20 its members who do not have a driver's license?
 21 A. Undoubtedly they do, but I can't give you a
 22 list of names of people without a TXDL.
 23 Q. Is MALC able to identify any constituents of
 24 its members who do not have a state-issued photo ID?
 25 A. Again, undoubtedly they do because of the --

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1 what we know about the ID rates among Latinos,
 2 African-Americans, and the indigent, but I can't give
 3 you specific names.
 4 Q. Is MALC able to identify any constituents of
 5 its members who do not have a concealed handgun license?
 6 A. That's a much smaller universe of people. I
 7 think there must be -- I think there's 18,000 people in
 8 the CHL database, I think. There may be more than that.
 9 I may be off by an order of magnitude, but I can't give
 10 you a specific name of people who don't have a CHL;
 11 although, large portions of MALC members probably --
 12 constituents don't have a CHL. It's a very small
 13 universe of people.
 14 Q. Is MALC able to identify any constituents of
 15 its members who do not have a U.S. passport?
 16 A. No, I'm not privy to that information.
 17 Q. Is MALC able to identify any constituents of
 18 its members who do not have a military ID card with a
 19 photo?
 20 A. I'm not privy.
 21 Q. When you say you're not privy to that
 22 information --
 23 A. I don't know. I don't know.
 24 Q. Is MALC able to identify any constituents of
 25 its members who do not have a citizenship certificate?

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1 EIC?
 2 A. Any of its members or --
 3 Q. Sorry. Is MALC able to identify any
 4 constituents of its members who do not have any of the
 5 documents necessary to get an EIC?
 6 A. I think some of the intervenors that are
 7 represented by Mr. Garza don't have the documents
 8 necessary to get an EIC. I think that's correct.
 9 Q. Can you identify one of them?
 10 A. You know, I don't know them by name. I'm
 11 sorry. I know that there's a man in Nueces County -- or
 12 maybe it was actually -- it was Hidalgo County. That's
 13 where it was, Hidalgo County -- who can't get a birth
 14 certificate because he was born, I think, by a midwife.
 15 It was very hard for him to get an actual birth
 16 certificate. And that was the only kind of document he
 17 could get to go get an EIC. I think that's correct,
 18 so...
 19 Q. Do you know how many constituents of your
 20 members have attempted to get an EIC?
 21 A. No. I don't know. I have no knowledge.
 22 Q. Do you know if any constituents of your
 23 members have attempted to get an EIC?
 24 A. I presume it's likely, though it's -- EICs are
 25 very rare, apparently, but I don't know.

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1 A. The only person I knew who ever had one was
 2 Jose Aliseda, and he kept it with him. He showed it to
 3 me once in a deposition, and it was -- he talked about
 4 how hard it was to get it and what it took for his
 5 family to get it and for his brother to get it.
 6 So the answer to your question is no, but
 7 I know that that's a small number, and I can't imagine
 8 showing that at the polls, how hard it was for him to
 9 get that.
 10 Q. Is MALC able to identify any constituents of
 11 its members who do not have an EIC?
 12 A. I think there have been 12 EICs issued, or
 13 something like that. Some small number of EICs. And I
 14 don't know the names of the people who have been issued
 15 EICs, but I think we're talking dozens of EICs at this
 16 point have been issued.
 17 Q. To constituents of MALC members?
 18 A. No. It's the people in Texas generally. And
 19 I could be wrong with that number, but I remember at
 20 some point it had been like only a few dozen had been
 21 issued in 20 -- last year. Anyways, I don't have that
 22 information, but it's a low number of folks who qualify
 23 for that.
 24 Q. Is MALC able to identify any of its members
 25 who do not have any of the documents necessary to get an

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1 Q. So MALC filed its complaint on September 17th,
 2 2013. Can you identify any constituent of a MALC member
 3 who at that time had been unable to vote on account of
 4 his or her inability to obtain an acceptable form of ID
 5 under SB 14?
 6 A. Just the affected parties that Mr. Garza
 7 represents. Those are the ones I'm aware of. I know
 8 that there's been several provisional ballots cast
 9 throughout the counties, but I do not know their VUIDs,
 10 I don't know their names. But the affected people who
 11 Mr. Garza represents, I think that's a good source of
 12 that information.
 13 Q. But right now as we sit here, is MALC able to
 14 identify any constituent of a MALC member who on
 15 September 17th, 2013, the date that MALC filed its
 16 complaint in this case, had been unable to vote on
 17 account of his or her inability to obtain an acceptable
 18 form of ID under SB 14?
 19 A. Again, I think the affected people are
 20 certainly represented by MALC folks. And to the extent
 21 they couldn't vote on that day, then that's my answer.
 22 Q. So you're unable to identify any one of them?
 23 A. I can't identify them by name, but I can give
 24 you the category of folks that's known to you because
 25 their intervenors. I don't know their names. I'm

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1 sorry. But I do know that there are affected people,
 2 and those people are likely represented by MALC members.
 3 Q. Okay.
 4 A. That's the best information I have for you.
 5 Q. To be clear, I'm not asking for a category of
 6 people. I'm asking for identities.
 7 A. Well, you know, I guess I could take a break
 8 and Google the intervention papers and get the names for
 9 you. I could do that.
 10 Q. But as we sit here right now, you're unable to
 11 identify one?
 12 A. Sure. I did identify the people. I mean,
 13 it's not a category of people. I misspoke. These are
 14 actual people that have been affected. They certainly
 15 are represented by MALC members and they're in this
 16 litigation, so...
 17 Q. Is MALC able to identify any Texas registered
 18 voter who on September 17th, 2013, had been unable to
 19 vote on account of his or her inability to obtain an
 20 acceptable form of ID under SB 14?
 21 A. I believe those folks are registered, if I'm
 22 not mistaken.
 23 Q. The ones you just previously mentioned?
 24 A. Yes, sir.
 25 Q. Is MALC able to identify a specific instance

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1 because there's not a DPS office close to you, and you
 2 can't get a car to go there, and you can't get money to
 3 get a birth certificate because you were born by a
 4 midwife, I think it's certainly possible that thousands
 5 of Texans are left out, that it's impossible to get an
 6 ID.
 7 Q. Is MALC able to identify any constituents of
 8 its members who have not been able to vote in an
 9 election because of SB 14?
 10 A. You know, I don't think so. I don't
 11 think the -- I'm not sure that the people who -- the
 12 affected parties who are intervenors who are represented
 13 by MALC people have actually tried yet to vote. I could
 14 be wrong. Whatever is in their intervention papers, I
 15 would stipulate to, so...
 16 Q. You would defer to the intervention papers?
 17 A. I would. I would. I mean, I don't know them
 18 personally, you know, although I think it takes
 19 incredible courage to do what they did, so...
 20 Q. When you say, "courage to do what they did,"
 21 what are you referring to?
 22 A. It takes a lot of courage to fight the State
 23 of Texas. It's easier for MALC because we have MALC
 24 members, and we have access to a budget to some degree.
 25 And we do have -- on a session basis, it's our job to

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1 in which a constituent of a MALC member attempted to
 2 obtain an acceptable form of ID under SB 14 but was
 3 unable to?
 4 A. There were immediate reports from -- in 2012,
 5 I recall correctly, about long wait times at DPS to get
 6 IDs, and we -- Representative Martinez Fischer -- the
 7 DPS office that issues IDs is in his district, and so I
 8 think we got some people -- some constituents had called
 9 about that -- called, not written, but called -- I'm
 10 trying to recall their name. I can't.
 11 Anyways, it's likely that those people
 12 who gave up on those days didn't get an ID that day.
 13 Right? So it's possible that there's indeed likely that
 14 people who during the glut of trying to get an ID
 15 couldn't do so because the DPS office was so packed.
 16 Q. Does MALC contend that SB 14 makes it
 17 impossible for anyone to vote?
 18 A. Impossible?
 19 Q. Yes.
 20 A. I think there's probably a few people -- maybe
 21 it's thousands of people who it makes it impossible for,
 22 surely. If you are -- if you are a voting person and
 23 don't have access to transportation and you don't have
 24 an ID but you're a registered voter and you've been
 25 voting for years, and you can't change that situation

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1 fight for policies. Right?
 2 But to put your name out there and say,
 3 "This law affects me," when people don't understand
 4 that -- the position of the voter -- you know, lots of
 5 people don't understand why you can't get ID. I mean,
 6 I've had ID problems all my life, so I'm sympathetic, I
 7 guess. I think it takes a lot of gumption to say, "This
 8 law is wrong," so...
 9 Q. You said you've had ID problems in your life?
 10 A. Sure.
 11 Q. Can you elaborate on that?
 12 A. When I first moved here, I had a suspended
 13 driver's license from Indiana because I failed to pay a
 14 speeding ticket that I got outside Muncie. And I didn't
 15 need a driver's -- I wasn't driving. I didn't have a
 16 car, and I didn't have a job, really. When I did get a
 17 job, I had somebody take me there, ferry me around. So
 18 I never really got a driver's license. And I didn't get
 19 a Texas driver's license until I think the year 2000,
 20 after I had moved here in the fall of '98. So, like,
 21 for two years I didn't have a Texas driver's license.
 22 And it may have even been after 2000, because I don't
 23 think I had a driver's license until after 9/11. I had
 24 a state-issued ID because I needed to get one because I
 25 needed to travel for debate. I was on the college

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1 debate team.
2 Anyways, I know what it's like to have to
3 try to prove you are who you think you are. And it was
4 hard for me to get a birth certificate because I lost my
5 original -- we had lots of meanderings, my mom and I,
6 throughout the whole nation. Anyways, it was more
7 difficult than I had imagined.

8 Q. Have you ever been unable to vote when you
9 wanted to?

10 A. No, sir.

11 Q. Are you currently registered to vote?

12 A. Yes, sir.

13 Q. Do you know if any constituents of MALC
14 members chose not to vote in an election because of
15 SB 14?

16 A. I think it's likely that they didn't. I don't
17 know their names, but I know there's kind of categories
18 of apathies, what I would call it. There's lots of
19 people who don't vote because they don't believe that it
20 matters. I think that's probably the largest source.
21 And matters could be like, "I don't think it matters
22 because the government doesn't respond to my needs. I
23 don't think it matters because I don't think my vote
24 counts. I don't think it matters because it's
25 irrational to vote." My Libertarian friends tell me how

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1 like a real crime. And there was some enforcement of
2 that new provision and law in Nueces County. And the
3 people who were affected by that and the families of
4 those people decided not to vote because of that
5 enforcement, but also they mentioned voter ID.

6 And this is a story I heard from
7 Representative Herrero. I think it's in his deposition
8 he talked about it for the redistricting matter. You
9 can refer to that. Anyways, the point is is that I
10 think those people decided not to vote in large measure
11 because of voter ID and because of the enforcement of
12 these laws, so...

13 Q. Are you familiar with the provisional ballot
14 process established by SB 14?

15 A. A little it.

16 Q. Can you tell me a little bit about it?

17 A. If you cast a provisional on election day, you
18 have six days to go back to the ballot poll to prove it
19 up. I think there's a couple different affidavits you
20 can sign. You could just either give them the ID that
21 you should have had on election day, or you can sign an
22 affidavit saying that you have a religious objection to
23 having your photograph taken. And I'm not sure if
24 disability works there yet. I think there's a carve out
25 for 100 percent disabled folks, I think. That's my

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1 irrational voting is all the time.

2 So I think it's likely that people think
3 that voter ID was passed with such a discriminatory
4 intent and that it affected their belief of civil
5 society, that it rendered what they believed to be true
6 about Texas wrong. Right? I think that it cheapened
7 what it meant to be a voter. And so those people who
8 believed that to be true, it probably affected their
9 vote. I can't measure that. I don't have a polling
10 instrument that says that. Even if I did, I don't think
11 it's -- it's probably not measurable. But I know it to
12 be true that people lose faith in voting just like they
13 lose faith in other things, and this law didn't help
14 that.

15 Q. Can you identify -- or do you know if any
16 constituents of MALC members chose not to vote in an
17 election because of the requirements of SB 14?

18 A. I think it's likely. Again, I don't know
19 specific names. After 2011, there were lots of election
20 law changes. One of them was a registration change.
21 You couldn't register -- there's certain parameters.
22 You had to be from Texas to register people. You
23 couldn't be deputized to register unless you took a
24 class. If you were deputized to register people, you
25 could only do it under certain parameters. Also, it was

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1 understanding of it generally.

2 Q. Does MALC take issue with the six day
3 requirement to cure a provisional ballot?

4 A. I don't think so. I think that that was
5 respondent to some of -- I don't know if -- respondent
6 is the wrong word. I think that that makes it slightly
7 more acceptable because there's a cure period. But the
8 truth of the matter is most provisional ballots are
9 never counted, and that's problematic to all MALC
10 members, regardless of party or where they live, where
11 they're from.

12 Q. On that note, has MALC either on its own or
13 through counsel submitted public record requests to
14 various counties seeking information regarding
15 provisional ballots cast during the most recent
16 selection cycle?

17 A. Not through its counsel. I certainly looked
18 at provisional ballots as part of my election law
19 practice, but not for MALC. It was for proposed
20 election contests that didn't come through, so...

21 (Exhibit No. 7 marked)

22 Q. (By Mr. Tatum) Okay. I'm handing you what's
23 been marked as Exhibit 7.

24 Mr. Golando, have you seen this document
25 or a document like it before?

<p style="text-align: right;">142</p> <p>1 A. No, I haven't. I'm sorry.</p> <p>2 Q. Okay. Can you describe to me what this</p> <p>3 document is from looking at it?</p> <p>4 MS. RUDD: Objection; calls for</p> <p>5 speculation.</p> <p>6 A. It's a document dated December 5th, 2013.</p> <p>7 It's a public information -- it's an open records</p> <p>8 request for provisional ballots that were cast, and some</p> <p>9 other categories.</p> <p>10 Q. (By Mr. Tatum) I'll represent to you that</p> <p>11 this document has been produced to the defendants in</p> <p>12 this litigation, and there were a number of documents</p> <p>13 just like this produced to us, documents that were</p> <p>14 addressed -- this one is addressed to El Paso County.</p> <p>15 There were many others addressed to various other</p> <p>16 counties.</p> <p>17 In your work at MALC, are you familiar</p> <p>18 with these public records requests, or do you recall</p> <p>19 MALC asking for counsel to submit these on its behalf?</p> <p>20 MS. RUDD: And objection to the extent</p> <p>21 that that would require you to reveal any communications</p> <p>22 in the pursuit of legal advice between MALC and any of</p> <p>23 the attorneys for MALC in this litigation.</p> <p>24 A. No.</p> <p>25 Q. (By Mr. Tatum) Have you seen any of the</p>	<p style="text-align: right;">144</p> <p>1 THE WITNESS: Okay.</p> <p>2 MS. RUDD: If you don't know, don't</p> <p>3 speculate.</p> <p>4 A. I don't know.</p> <p>5 Q. (By Mr. Tatum) Let me ask you: What is this</p> <p>6 document? What does it look like?</p> <p>7 MS. RUDD: Objection; calls for</p> <p>8 speculation.</p> <p>9 A. I don't know. Possibly a list of voters,</p> <p>10 possibly.</p> <p>11 Q. (By Mr. Tatum) Okay. But you've never seen</p> <p>12 this document before?</p> <p>13 A. You know, I don't think that I have. At least</p> <p>14 I don't remember seeing it. I apologize.</p> <p>15 Q. I'm not going to ask you any more questions</p> <p>16 about that document, so you can -- unless you want to</p> <p>17 keep looking at it.</p> <p>18 A. No, I -- I may, actually.</p> <p>19 Q. Okay.</p> <p>20 A. But go ahead. I'm listening.</p> <p>21 Q. Okay. Does MALC contend that SB 14 amounts to</p> <p>22 a poll tax?</p> <p>23 A. Yes, in part.</p> <p>24 Q. And why is that?</p> <p>25 A. Because it takes ID to get ID, and some people</p>
<p style="text-align: right;">143</p> <p>1 responses from the counties to a request like this?</p> <p>2 A. No.</p> <p>3 Q. So you don't know how many public records</p> <p>4 requests like this were submitted on behalf of MALC?</p> <p>5 A. No.</p> <p>6 Q. Okay.</p> <p>7 (Exhibit No. 8 marked)</p> <p>8 Q. (By Mr. Tatum) I'm now handing you what's</p> <p>9 been marked as Exhibit 8. If you wouldn't mind just</p> <p>10 pressing down on that sticker. I don't think I got it</p> <p>11 on there all the way. Thanks.</p> <p>12 MS. RUDD: All right.</p> <p>13 Q. (By Mr. Tatum) I'll represent to you that</p> <p>14 this has been produced to the defendants in this</p> <p>15 litigation, and it was produced in native format, so I</p> <p>16 wasn't able to print it with a Bates number on it, but I</p> <p>17 represent to you for future reference that the Bates</p> <p>18 number for this document is MALC 00003780.</p> <p>19 Do you recognize this document?</p> <p>20 A. We turned over lots of documents. I don't</p> <p>21 recognize this one, unfortunately.</p> <p>22 Q. So you don't know what the names on this</p> <p>23 document represent?</p> <p>24 A. Well, I guess I could infer.</p> <p>25 MS. RUDD: Don't infer.</p>	<p style="text-align: right;">145</p> <p>1 without ID have to buy ID to get it. And as a</p> <p>2 consequence of that, it's, I guess, a literal poll tax.</p> <p>3 Q. Is MALC aware that an EIC is an acceptable</p> <p>4 form of ID to vote under SB 14?</p> <p>5 A. It is.</p> <p>6 Q. Is MALC aware that an EIC is obtainable free</p> <p>7 of charge?</p> <p>8 A. But if you don't have the foundational</p> <p>9 documents to get an EIC, it's the same problem. Right?</p> <p>10 And an EIC also takes time to get. Right? You have to</p> <p>11 go to DPS to do it. You have to sign like three</p> <p>12 different waivers that says, "I'm not going to use this</p> <p>13 for ID purposes. I need this for voting." I mean, it's</p> <p>14 a strange ID in that request. Have you ever had to sign</p> <p>15 something like that to get an ID? It's very strange.</p> <p>16 Anyways, my point is that you got to have</p> <p>17 an ID to get an ID, and that includes the EIC, so...</p> <p>18 Q. But MALC is aware that the actual EIC is</p> <p>19 issued free of charge?</p> <p>20 A. And I know why it's free of charge, and I know</p> <p>21 how it came about, because my boss brought a point of</p> <p>22 order on the bill considering the Texas Mobility Fund as</p> <p>23 we discussed earlier, that was rejected. But it turned</p> <p>24 out that you couldn't rob the Texas Mobility Fund of</p> <p>25 these license fees, because they would put the full</p>

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1 faith and credit of Texas on the line. You couldn't do
2 that constitutionally.
3 And so they went into conference and they
4 decided to create a whole new ID that was outside of the
5 Texas Mobility Fund in order to solve this
6 constitutional problem. And in order to do that, they
7 had to go outside the bounds because it's outside the
8 scope of the House rules to do this. So, yes, I'm aware
9 of the EIC.

10 Q. Are you aware that the EIC is issued free of
11 charge?

12 A. Yes, sir.

13 Q. Okay. I want to ask you a couple more
14 questions regarding -- and I'm going back to our
15 discussion about legislative activities or procedures
16 that the Legislature used during the enactment of SB 14,
17 if I may. Specifically I want to talk about the
18 practice that you called chubbing and the chubathon --
19 is that what it was called?

20 A. Probably. That's what I call it.

21 Q. Okay. I think I remember you calling it a
22 chubathon back in 2009. And without going back in the
23 transcript, would you mind explaining again what
24 chubbing -- the practice of chubbing entails?

25 A. Generally chubbing is the elongation of debate

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1 Q. So when you say forced the calendar out, does
2 that mean they forced all those bills that were south of
3 SB 362 on the calendar out?

4 A. So there was a legislative deadline to get
5 Senate bills out, so the final consideration of Senate
6 bills. I think it was -- it's usually the middle of
7 May, May 17th or May 20th, something like that. And the
8 last day had on the local calendar was the day before,
9 something like that -- or a couple days before. So over
10 the weekend, all -- the local calendar never finished in
11 time to consider these bills. And then the last day, I
12 think it was a Sunday if I recall correctly, there
13 was -- there were all these calendars that had kind of
14 jammed up, and so there was about -- I think there was
15 about 110 substantive bills between the bill that was
16 first up and 362. I think that's right.

17 Anyways, lots of bills to add that day
18 because of the tactic. It was unfortunate.

19 Q. So lots of bills died that day because of the
20 tactic employed by MALC in that instance?

21 A. Many MALC members. I mean, MALC is --

22 Q. Sorry.

23 A. Yeah.

24 Q. Were any of those bills that died because of
25 the chubbing tactic employed by MALC members, were those

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1 on a bill in order to prevent the consideration of bills
2 south of it on the calendar.
3 In this case, it was a systematic effort,
4 that was a caucus-wide effort, to elongate the local
5 calendars for days to essentially force consideration of
6 House bills -- certain House bills on the calendar off.
7 Usually the local calendar is handled within one day,
8 and four to five hours at a time. Right? So a local
9 calendar usually has about 200 bills on it, and you read
10 through them real quickly, and then you pass them a
11 third time. So the second and third reading are on top
12 of each other, and in between you have a legislative
13 day. It's kind of hyper technical. But usually it
14 takes about two to three hours.

15 This time we forced -- we -- the members
16 forced the authors of the bill to explain their bill for
17 a full ten minutes, and then there was ten minutes of
18 questioning on each bill. So what usually would have
19 taken four hours, took I think five or six days,
20 essentially forcing the legislative calendar out.

21 Q. And when you say "forcing the legislative
22 calendar out," does that mean forcing the bills that
23 were south of -- I believe in this instance it was
24 SB 362?

25 A. Yes, I think that's correct. Yes, sir.

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1 bills authored by MALC members?

2 A. I think some of them were. I'm sure that
3 my -- I'm trying to remember if my boss had one on the
4 calendar in 2009. I think we did. We usually get
5 considered pretty late in the session. If we're lucky
6 to get calendar, it's a pretty late calendar. I'm
7 trying to think what we had there. It's probably one of
8 our VIA bills, I think. I forget. I think we had one
9 on the calendar.

10 Q. One of your what bills?

11 A. VIA bills. San Antonio VIA is the bus place
12 for San Antonio. I could be wrong about the actual
13 bill, but I think we had a bill on the calendar, and I
14 think it died because of it, which is how it goes.

15 Q. Was the chubbing tactic employed on that day
16 during the, quote, unquote, chubathon, was that agreed
17 to by all the members of MALC?

18 A. I don't know. I think it was probably agreed
19 to by most members. Because all that would have to have
20 happened in the chubathon for the record is to have five
21 members talk off every bill.

22 In the local calendar, you can either
23 talk off a bill by speaking for more than ten minutes,
24 or if you have four friends who can go to a bill and
25 say, "We want to talk off each of these bills," that's

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1 the way to do it.
 2 And no one did that. Republicans or
 3 Democrats did that. Every one of them could have ended
 4 the chubathon right there and then if they had just
 5 signed a card -- had four members or five members sign a
 6 card against all the bills being considered, and then we
 7 would have had to have gone on with the daily calendar
 8 business. Right?

9 That didn't happen. So I assume that the
 10 MALC members who could have done that didn't do that. I
 11 think the inference is quite clear that they supported
 12 the chubathon, so --

13 Q. You testified that you're sure that some of
 14 the bills that died that day were bills authored by
 15 members of MALC. Correct?

16 A. It's certainly likely; although, I don't have
 17 an exhaustive knowledge of bills that died on the
 18 calendar. I think we had one, I think, but again, it's
 19 been -- since 2009, it's been a very long time for me.

20 Q. When you say "we," do you mean --

21 A. Me and Trey. I'm sorry.

22 Q. So is it safe to say that members of MALC were
 23 willing to kill their own bills that may or may not have
 24 been supported by their own constituents in order to
 25 defeat a voter ID bill through the use of chubbing?

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1 But I think that -- like I said before --
 2 and I don't think I can add more than this -- is that
 3 MALC members and the members who employed this tactic
 4 were certain that this bill was wrong --
 5 constitutionally wrong. It was immoral, probably
 6 racist, and they didn't want to ratify that.

7 Q. (By Mr. Tatum) On what basis does -- let me
 8 retract that.

9 At that point of the chubathon, had
 10 members of MALC employed the chubbing tactic before?

11 A. Sure. Not to kill a specific bill. I think
 12 that toward the end of session -- not in that way. I
 13 don't think chubbing the local calendar had ever been
 14 done. So that was something completely new. It was a
 15 new tactic for a specific calendar. Right?

16 At the end of the session, there's always
 17 those deadlines. Deadlines to get a House bill out, a
 18 deadline to consider a conference committee report, a
 19 deadline to get a Senate bill passed by the House. And
 20 at the end of those deadlines, usually sometime between
 21 10:30 p.m. to midnight, there is kind of elongated
 22 consideration by people because they want to kind of hit
 23 the brakes on passage of bills. It happens every
 24 session, bills start hitting the brakes.

25 And then there's a mad dash toward the

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1 MS. RUDD: Objection; calls for
 2 speculation, mischaracterizes testimony.

3 A. Fair? I don't know. I think legislative
 4 intent is fairly complex, as we've discussed.

5 I think that what's fair to say is that
 6 MALC members thought the bill was so horrible and
 7 deleterious to its people, that they would do this
 8 extraordinary action to prevent its passage. I think
 9 that's the fairest thing I could say.

10 Q. (By Mr. Tatum) Even at the sacrifice of their
 11 own bills?

12 A. Yeah, I think that's the implication about the
 13 tactic. That's how horrible they thought this bill was.
 14 I think they were right.

15 Q. So it was worth more to kill that bill than to
 16 pass bills that they, themselves, had authored?

17 MS. RUDD: Objection; calls for
 18 speculation, argumentative.

19 A. Again, legislative intent is very complex. If
 20 I recall correctly, the Senate version of that bill
 21 required you to have both your Texas registration card
 22 and your driver's license or else you had to cast a
 23 provisional. That's how bad that bill was, I think.
 24 And I could be mistaken. Again, it's been many
 25 different versions of the same bill.

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1 end. When there's, like, ten minutes left, they start
 2 going through bills that are -- you know, at a rapid
 3 pace. Anyways, it's a strange phenomenon, but it
 4 happens every time.

5 Q. So chubbing -- and if there's a better term
 6 for it than "chubbing," please let me know.

7 A. I wish -- I guess there's --

8 Q. Okay.

9 A. I don't know. I don't know.

10 Q. We'll just call it chubbing.

11 A. Yeah.

12 Q. So you testified that the tactic of chubbing
 13 had never been used before the chubathon to that degree.
 14 Is that correct?

15 A. On the local calendar. I want to be very
 16 clear. There are five or six different calendars that
 17 exist in the House rules. The local and consent
 18 calendar is one of those calendars. It has special
 19 rules associated with it. It has a special calendars
 20 committee that nominates bills for this calendar.

21 And I don't think -- again, my -- I know
 22 a lot about this, but not -- I don't have, you know,
 23 exhaustive knowledge of it, or complete knowledge. I
 24 don't think the chubbing had ever been done on the local
 25 before, and certainly not to this degree where it was

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1 days of consideration on the local calendar.
 2 Q. So would you say that it -- in executing the
 3 chubathon, that MALC employed a tactic in a way that
 4 diverted from normal legislative procedures?
 5 MS. RUDD: Objection; mischaracterizes
 6 the testimony.
 7 A. I don't think so. I think that it was a
 8 unique tactical choice. It was certainly -- I think
 9 everything that's unique is somewhat a deviation from
 10 normalcy. So in that sense, partially. But chubbing
 11 itself had existed a long time before that for the
 12 record. Right? It just hadn't been used to this degree
 13 and on this calendar, so..

14 Q. (By Mr. Tatum) Has MALC or members of MALC
 15 employed the tactic of chubbing since the chubathon?

16 A. I think so. I think chubbing -- again,
 17 generally we're talking about. Right? In 2013, there
 18 was -- towards the end of the debate on when you could
 19 get House bills out, I think there was some slowing down
 20 generally. That's what generally happens. It may have
 21 been by MALC members or not. I can't recall exactly.
 22 But chubbing exists for a reason.

23 Sometimes you just want to hit the brakes
 24 because you're tired. Sometimes you want to hit the
 25 brakes because you want to hit the brakes to prevent a

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1 either non-substantive changes or for the budget to
 2 adjust a category. We want to give 5 million to a
 3 budget category, not 4 million. Right?
 4 And there's a small category for
 5 substantive changes, but this was an entirely new
 6 provision in the bill, a creation of a whole new ID done
 7 by an outside the bounds resolution in a conference
 8 committee.

9 So something horribly substantive that,
 10 you know, was responsive to both my bosses and other
 11 MALC member concerns was decided outside of their
 12 ability to influence that dialogue by the members of the
 13 conference committee. And they were -- and you don't
 14 get a lot of notice on an outside the bounds resolution.
 15 You wake up in the morning, and there's a resolution on
 16 your table saying, "You have to agree to this," and you
 17 can't amend it. Right?

18 So it's one of those things where a
 19 legitimate concern was taken, and then a smaller group
 20 of legislators made a decision, and there was little
 21 notice and little ability to change the outcome, so...

22 Q. Is MALC able to identify a constituent of a
 23 MALC member who has suffered harm at any point because
 24 of SB 14?

25 A. And this may be where I differ from my

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1 bill from passing.
 2 I can't recall the specific bill -- or a
 3 specific bill from this session that may have been a
 4 victim of chubbing. And sometimes it's just kind of the
 5 nature of the calendar itself. There's just not enough
 6 time to consider all the bills on the calendar.

7 Q. In your legislative experience, have you found
 8 that chubbing exists more on less often than an outside
 9 the bounds resolution?

10 A. Outside the bounds resolutions are common for
 11 the appropriations bill. That happens all the time for
 12 appropriations. And then for non-appropriations bills
 13 or non-budget related bills, outside the bounds
 14 resolutions occur at a much slower rate. And you can
 15 check by work, because it requires a House resolution to
 16 do it, and it's just -- I think it requires an HCR or an
 17 SCR, depending on what the origin of the bill is. And I
 18 think that those are rarer than you might imagine, maybe
 19 20 or 30 -- fewer than that, probably -- per session.
 20 And chubbing is probably a one-day event or a one-hour
 21 event, so I'm not sure how you would magnify -- or how
 22 you would make that determination.

23 Why I say that the voter ID bill was out
 24 of bounds and why that's a deviation from normal
 25 procedure is that most out of bounds resolutions are for

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1 attorney in the sense that on our discussion of harm --
 2 because I believe that every one of our constituents
 3 have been harmed by the bill. And I don't mean this --
 4 I really don't mean this esoterically. It sounds like
 5 I'm just preaching platitudes. I'm really not trying to
 6 do that.

7 I think every person in Texas is harmed
 8 by the bill. When Texas passes laws that are focused on
 9 what I believe is a disfranchising intent that have a --
 10 that were passed with an impermissible purpose, that
 11 cheapens what it means to be a Texan. And I'm saying
 12 this as someone who is an adopted Texan. I'm not even
 13 from here, really. But this is a great state, and it is
 14 made a worse place because of bills like this, in my
 15 opinion.

16 And so the honest answer to your question
 17 is that I think everyone has been harmed by it; everyone
 18 in this room, everyone in this state.

19 Q. Can you elaborate on what you mean by
 20 "impermissible purpose"?

21 A. I think that -- impermissible generally means
 22 an unlawful purpose. In this instance, I mean a racist
 23 purpose. I think that this bill is -- it seeks to
 24 abridge the voting rights of minorities on account of
 25 their race. That's what I mean.

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1 And I think that it also unequally
2 enforces the laws. I think that there are several
3 provisions like that in this bill that do that. So I
4 think that those are two impermissible motives on behalf
5 of policy and decision makers that enacted this bill.
6 Q. Does MALC believe that anyone who supports
7 SB 14 is a racist?
8 A. No, unless they're a racist and they support
9 it. I mean, I'm certain that racists do support it, to
10 be clear. I'm certain that there are prejudiced and
11 bigoted people who do support it, but I don't think it
12 makes you a racist just to support it.
13 Q. What makes you certain that racists do support
14 SB 14?
15 MS. RUDD: Objection; mischaracterizes
16 testimony.
17 A. I'm not sure if this has been produced or not,
18 but there's been some -- I've gotten some emails from
19 people who support the bill and who have taken what I
20 think to be a racist tone with me. And maybe it was
21 some emails that predate the litigation. I have some
22 knowledge or some -- I have some memory of
23 correspondence with people who I think used racist terms
24 in their emails with me.
25 I've had conversations with people who I

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1 immigration is an infectious disease." That's racist to
2 me.
3 And while he's a very nice man to me and
4 we have very deep conversations about this issue, I have
5 to tell you that I think that's a racist purpose -- or
6 that's a racist rhetoric. And when -- it's not
7 surprising to me that he supports this bill, so...
8 Q. Have you ever personally encountered rhetoric
9 like that from a legislator who supported SB 14?
10 A. Personally, no. But during the 2007 session,
11 I think Betty Brown pulled Ramey Ko -- and this is well
12 known; I'm sure you know it -- Ramey Ko aside and said,
13 "You guys should consider changing your names," meaning
14 Asian-Americans, "so people can understand you better."
15 And I think it's a well-intentioned thing
16 to say. I don't know Betty Brown very well. She and my
17 boss had a falling out about something personal, and I
18 couldn't say that I thought very highly of her. But
19 when she said that, that took me aback that someone
20 would say that, that someone should change their name.
21 And it actually dovetails with the
22 Italian-American experience. I'm Italian-American. My
23 family came over here on a boat, and I think that we
24 were the Anglos' first Latinos, and my name was changed
25 when I got here. Anyway, my point is, is that the

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1 thought -- that I thought were racist conversations who
2 told me they would support the bill. But I think you're
3 asking me for something deeper than that, whether I
4 think that racists support the bill.
5 Q. (By Mr. Tatum) Well, let me stick to what you
6 just testified to.
7 A. Sure.
8 Q. You mentioned conversations with people who
9 you thought were racist who told you they support the
10 bill.
11 A. Yes.
12 Q. I'm reading that from the transcript here. Do
13 you recall who those people were?
14 A. There's a -- well, I can't recall his name.
15 I'm sorry. There's a constituent who calls Trey's
16 office when I was working there fairly frequently, about
17 once a quarter, and we have very long conversations
18 about ethnicity and identity. And he's very much
19 against hyphenation Americans, is what he calls them --
20 so Mexican-Americans, Italian-Americans -- and I always
21 try to defend multiculturalism.
22 He's never said a racist epithet to me,
23 but it's been my experience that people who espouse the
24 kind of rhetoric that he espouses probably have a racist
25 belief. And he uses words like "takers" or "Latino

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1 rhetoric used during that time period was rough. And
2 during 2011, it was -- the rhetoric was pretty bad, too.
3 And it wasn't just from House members.
4 There were -- Rebecca Forest, I think, has a group
5 called Women Against the Wall, or something like that,
6 and they had a meeting at the Capitol -- on the Capitol
7 during the session, and she said the reason we can't
8 pass immigration reform is because there were too many
9 Latino legislators. And I don't know what that means,
10 but it certainly sounds racial to me.
11 Anyway, to the degree that -- I know you
12 can't have a group on the Capitol stage without someone
13 greasing the skids for you with House administration, so
14 some member helped that person out. And I don't know if
15 they support that person or not, but I've got to tell
16 you that that's change to me, that that happened.
17 And there were other things, too. I
18 mean, the registering bill, I think, was a racist bill.
19 There were immigration bills that were considered that I
20 thought were racist in nature. So it was kind of a part
21 and parcel throughout the whole session, kind of a hyper
22 racially charged session in 2011, so...
23 Q. So in your opinion, SB 14 was not the only
24 bill passed during 2011 that may have had racial or
25 discriminatory intent?

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1 A. Sadly, no. I think that, obviously, the 2011
2 registering plan is a hyper discriminatory bill and was
3 intended to be discriminatory.
4 Q. Mr. Golando, do you know if MALC has produced
5 any and all documents responsive to the various requests
6 for production that defendants have submitted?
7 A. To my knowledge. If I find more, I will
8 certainly make a more fulsome -- and it's certainly not
9 my intent to withhold anything. We have nothing to
10 hide. I think we've been particularly above board.
11 I've given you everything that's in MALC's control,
12 that's for sure.
13 There may be -- I know that there have
14 been a lot of third-party subpoenas issued, which I,
15 frankly, disagree with tactically, but -- in fact, we
16 received one and will be complying with that as soon as
17 I get all my documents in a row, so...
18 Q. Why do you disagree with those subpoenas
19 tactically?
20 A. I think --
21 MS. RUDD: Okay. Wait. I don't know if
22 you're disagreeing with them as an attorney for MALC. I
23 just don't want you to reveal any of your mental
24 impressions as an attorney.
25 THE WITNESS: Fair enough.

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1 your answers, or is there anything you'd like to add
2 with regard to any of the answers you've given here
3 today?
4 A. I meant to look up the name of the Florida
5 State Representative who is friends with my boss and
6 Representative Anchia.
7 Q. Oh, that's right.
8 A. I meant to do that. I think it's Juan Zapata,
9 I think, but I'll have to -- I'm not certain. He's a
10 nice guy.
11 Q. You think that that might be the Florida
12 legislator --
13 A. Correct, who is friends with Representative
14 Anchia and my boss. And I'm not -- again, I am not
15 clear if they've ever discussed -- I imagine that they
16 haven't, but you asked me about inter-caucus
17 communications, so...
18 Q. Right.
19 A. I think that everything else will have to wait
20 until I review the transcript.
21 MR. TATUM: I pass the witness.
22 MS. RUDD: We have no questions at this
23 time.
24 Angela, do you have any questions for
25 Marty?

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1 A. This is not from my attorney -- this is from
2 my legislative background. It's uncommon for
3 legislators to get subpoenaed. And I can't imagine that
4 Jay Dyer would want you to use a third-party subpoena
5 company to subpoena legislators, and that when members
6 look at the name of the subpoena deliverer and it was
7 associated with debt collection, it was a surprise to my
8 members that they were getting subpoenaed, generally,
9 and they were subpoenaed in this way, and so -- that's
10 why I disagree with it.
11 Q. (By Mr. Tatum) Okay. Mr. Golando, if MALC is
12 successful in this litigation, do you intend to seek
13 attorney's fees for your services?
14 A. For mine?
15 Q. Yes.
16 A. Like I said before, my litigation part of this
17 has been minimal. It's been limited to just kind of
18 doing -- getting documents together. I routinely
19 collect my hours, just because I try to monitor my own
20 time, but I do not intend to seek fees in this
21 litigation. In this one.
22 Q. Mr. Golando, I don't have any more questions
23 for you right now at this point.
24 Before I pass the witness, is there
25 anything you'd like to clarify with regard to any of

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1 MS. MILLER: No questions from the United
2 States.
3 MS. RUDD: All right.
4 MR. TATUM: Okay.
5 (Deposition concluded at 2:09 p.m.)
6 (Signature requested.)
7 * * * * *

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1 CHANGES AND SIGNATURE

2 WITNESS NAME: MARTIN GOLANDO

3 DATE OF DEPOSITION: JUNE 24, 2014

4 PAGE/LINE CHANGE REASON

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

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18 _____

19 _____

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23 _____

24 _____

25 _____

1 THE STATE OF TEXAS:
COUNTY OF TRAVIS:

2

I, Steven Stogel, a Certified Shorthand Reporter in
and for the State of Texas, do hereby certify that the
facts as stated by me in the caption hereto are true;
that the above and foregoing answers of the witness,
MARTIN GOLANDO, to the interrogatories as indicated were
made before me by the said witness after being first
duly sworn to testify the truth, and same were reduced
to typewriting under my direction; that the above and
foregoing deposition as set forth in typewriting is a
full, true, and correct transcript of the proceedings
had at the time of taking of said deposition.

8

I further certify that I am not, in any capacity, a
regular employee of the party in whose behalf this
deposition is taken, nor in the regular employ of his
attorney; and I certify that I am not interested in the
cause, nor of kin or counsel to either of the parties.

10

filed with the Clerk.
GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this,
the _____ day of June, 2014.

12

13

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23

24

25

Steven Stogel, CSR 6174
Expiration Date: December 31, 2014
Integrity Legal Support Solutions
Firm Registration No. 528
3100 W. Slaughter Lane, Suite A-101
Austin, Texas 78748
(512) 320-8690

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1 I, MARTIN GOLANDO, have read the foregoing
2 deposition and hereby affix my signature that same is
3 true and correct, except as noted above.

4

5 _____
MARTIN GOLANDO

6

7 THE STATE OF _____)

8 COUNTY OF _____)

9

10 Before me, _____, on this day
11 personally appeared MARTIN GOLANDO, known to me (or
12 proved to me under oath or through _____)
13 (description of identity card or other document) to be
14 the person whose name is subscribed to the foregoing
15 instrument and acknowledged to me that they executed the
16 same for the purposes and consideration therein
17 expressed.

18 Given under my hand and seal of office this the
19 _____ day of _____, 2014.

20

21

22 _____
NOTARY PUBLIC IN AND FOR
THE STATE OF _____

23

24

25

<hr/> \$ <hr/> \$1,000 79:12 \$1,600 79:12 \$300 35:6,7 \$4,000 86:9 \$4,200 86:7 <hr/> 0 <hr/> 00003780 143:18 07 59:22 86:4 09 59:22,24 <hr/> 1 <hr/> 1 7:3 19:16,18 20:13,19,22 21:2,4 112:5 1.8 128:15,21,22 1:19 127:8 10 24:10,13,15 26:24 128:20 10:00 97:12 10:30 152:21 10:41 61:19 10:49 61:19 100 98:15 140:25 1099 16:17 11 24:17,20,22 59:24 91:15 11:00 12:17 110 148:15 119 7:7 11th 13:12 12 24:24 25:2,4 91:14 131:12 12/5/13 7:14 12:00 127:6 12:13 127:8 120 7:9	121 7:10 124 7:12 12548 5:18 13 25:6,9,11,15,18 116:16 117:14 13th 36:16 14 20:21 22:13,15,25 25:7,20,22,24 26:1,5,17 27:3,14 28:1,23 29:1,2 53:22 54:9 55:20 56:1 59:18 61:12,13 62:9 63:6,14 64:7,11 68:9 69:11 70:16,18,25 71:8,24 72:2 75:2,5 80:4 81:2 84:10 86:25 87:12 88:5,9,20,24 89:16,25 91:3,7 96:1 98:8,18 99:3 100:7,18,20 101:21 102:13 103:23 104:11 105:5,20 106:6 107:11,20 108:4,5,7 110:17,22 114:19 116:7,12,25 117:6,20 119:9,12,23 123:16 127:10,17,23 128:6 129:5 133:5,18 134:20 135:2,16 136:9 138:15 139:17 140:14 144:21 145:4 146:16 156:24 158:7,14 160:9 161:23 141 7:13 143 7:15 14-related 72:14 79:19 80:19 81:19 83:7 14th 4:14 15 26:3,9,11 150 58:22 16 26:13,20,22	168 6:7 16th 41:12 17 26:24 27:6,8 17th 21:15 26:14 27:12 82:14 133:1,15 134:18 148:7 18 27:10,18,20 18,000 130:7 1860 119:11 19 7:3 27:22 28:5,7 1973 31:20 1977 13:12 1st 16:1 17:19 18:3 <hr/> 2 <hr/> 2 7:4 20:23 21:6,10,12 61:20,22 65:15 67:25 69:21 70:6 78:21,25 2:09 4:11 165:5 2:13-CV-193 1:4 2:13-CV-263 2:2 2:13-CV-291 3:2 2:13-CV-348 3:12 2:30 11:19 20 28:9 104:16 128:20 131:21 155:19 200 147:9 200,000 128:22 2000 48:10 137:19,22 2003 13:19 2004 22:5 23:10 24:4,11,18,25 29:20 30:6,16 31:2 60:24,25 2005 26:7 57:24 59:20 60:25 91:11 2007 13:20 14:11 57:24 91:17 96:16
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